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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 20th December, 2011:—

BILL No. 131 OF 2011

A Bill to lay down an obligation upon every public authority to publish citizens charter stating therein the time within which specified goods shall be supplied and services be rendered and provide for a grievance redressal mechanism for non-compliance of citizens charter and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the Central Government shall appoint such date within six months from the date on which the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 receives the assent of the President:

Provided further that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "action taken report" means a report furnished to the complainant by the Grievance Redress Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission in response to a complaint or appeal, as the case may be;

(b) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

(i) by the Central Government or the Union territory administration, the Central Government;

(ii) by the States, the State Government;

(c) "Central Public Grievance Redressal Commission" means the Central Public Grievance Redressal Commission constituted under section 30;

(d) "Chief Commissioner" means the Chief Commissioner of State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission appointed under section 15 or section 32, as the case may be;

(e) "Citizens Charter" means a document declaring the functioning, obligations, duties, commitments of a public authority for providing goods and services effectively and efficiently with acceptable levels of standards, time limits and designation of public servants for delivery and grievance redress as defined in sub-section (1) of section 4;

(f) "complaint" means a complaint filed by a citizen regarding any grievance relating to, or arising out of, any failure in the delivery of goods or rendering of service pursuant to the Citizens Charter, or in the functioning of a public authority, or any violation of any law, policy, programme, order or scheme but does not include grievance relating to the service matters of a public servant, whether serving or retired;

(g) "days" means the working days, referred to as the timeline;

(h) "designated authority" means such officer or authority outside the concerned public authority as may be prescribed by the appropriate Government:

Provided that in case an officer is designated as the designated authority, such officer shall be above the rank of the Grievance Redress Officer referred to in sub-section (1) of section 7;

(i) "Grievance Redress Officer" means a Grievance Redress Officer appointed under section 7;

(j) "Head of the Department" means an officer designated as such by the appropriate Government, as the head of a Government Department or public authority;

(k) "Information and Facilitation Centre" means an Information and Facilitation Centre, including customer care centre, call centre, help desk, people's support centre established under section 6;

(l) "notification" means a notification published in the Official Gazette;

(m) "prescribed" means prescribed by the rules made under this Act;

(n) "public authority" means any authority or body or institution of self-government established or constituted,—

(i) by or under the Constitution;

(ii) by any other law made by Parliament;

(iii) by any other law made by State Legislature;

(iv) by notification issued or order made by the appropriate Government, and includes any,—

(A) body owned, controlled or substantially financed;

(B) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

(C) an organisation or body corporate in its capacity as an instrumentality of "State" as defined under article 12 of the Constitution and rendering services of public utility in India;

(D) a Government company as defined under section 617 of the Companies Act, 1956;

(E) any other company which supplies goods or renders services in pursuance of an obligation imposed under any Central or State Act or under any licence or authorisation under any law for the time being in force or by the Central or State Government;

(v) by an agreement or memorandum of understanding between the Government and any private entity as Public-Private Partnership or otherwise;

(o) "service" means all the goods and services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority;

(p) "State Public Grievance Redressal Commission" means the State Public Grievance Redressal Commission constituted under section 13.

CHAPTER II

RIGHT TO SERVICE

3. Subject to the provisions of this Act, every individual citizen shall have the right to time bound delivery of goods and provision for services and redressal of grievances.

Right to service.

CHAPTER III

PUBLICATION OF CITIZENS CHARTER AND GRIEVANCE REDRESSAL OFFICER BY PUBLIC AUTHORITIES

4. (1) Every public authority shall publish, within six months of the commencement of this Act, a Citizens Charter specifying therein all the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide all or any of the following matters, namely:—

(a) the details of all the goods supplied and services rendered by the public authority and the name of person or agency through which such goods are supplied or services rendered and timings during which such goods are supplied or services rendered;

(b) the conditions under which a person becomes entitled for goods or services, and the class of persons who are entitled to receive such goods and avail services;

(c) the quantitative and tangible parameters (including weight, size, frequency) of the goods and services available to the public;

Obligation of public authority to publish Citizens Charter.

(d) complaint redressal mechanism including the time within which the complaint be disposed of and the officer of the public authority to whom such complaint may be made;

(e) the name and addresses of individuals responsible for the delivery of goods or rendering of services as designated officer mentioned in (a) above;

(f) any other functions, obligations, responsibility or duty of the public authority is required or reasonably expected to provide;

(g) any other information relevant to delivery of goods or provision of services or such other information as may be prescribed.

(3) The appropriate Government may, by notification, make rules in relation to citizens charter and grievance redressal.

Obligation of Head of Department for updating and verifying Citizens Charter.

5. (1) The Head of the Department in each public authority shall be responsible for updating and verifying the Citizens Charter every year and the accuracy of the contents thereof.

(2) It shall be the responsibility of the Head of the Department of every public authority to ensure that the Citizens Charter is widely disseminated to the public.

(3) It shall be the responsibility of the Head of the Department of every public authority to take steps in accordance with section 4 of the Right to Information Act, 2005 for providing relevant information to the public enabling them to exercise their rights mandated under this Act.

(4) Every Head of the Department shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost.

Explanation.—For the purposes of this section the expression "disseminated" means making known and communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority by any citizen.

(5) Every Head of the Department shall to the extent possible, ensure that the Citizens Charter is made available at the website of the public authority and in other electronic forms and shall be available free of cost.

(6) Every Head of the Department shall ensure that a copy of the Citizens Charter of the public authority duly certified by him is submitted to appropriate bodies, including appropriate Central and State Public Grievance Redress Commission, when it is published and subsequently, every time that it is modified, updated or amended.

CHAPTER IV

ESTABLISHMENT OF INFORMATION AND FACILITATION CENTRE

Establishment of Information and Facilitation Centre.

6. (1) Every public authority shall establish Information and Facilitation Centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre.

(2) Every Head of the Department of the public authority shall be responsible for the development, improvement, modernisation and reform in service delivery and redressal of grievance system and also include adoption of electronic modes, internet, etc.

(3) The appropriate Government may, by notification, make rules in relation to Information and Facilitation Centre.

22 of 2005.

CHAPTER V

APPOINTMENT AND OBLIGATION OF GRIEVANCE REDRESS OFFICERS BY PUBLIC AUTHORITY

7. (1) Every public authority shall, within six months from the date of the coming into force of this Act, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats wherat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the manner as may be prescribed:

Provided that the Grievance Redress Officer so appointed shall be at least one level above and be deemed to have admimistrative control on the individual designated to deliver goods or render services as per the Citizens Charter as referred to in section 4.

(2) Every public authority shall, immediately on appointment or designation of a Grievance Redress Officer,—

(a) give, through a public notice in a newspaper published in Hindi or English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services, indicating therein the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Grievance Redress Officer has been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner:

Provided that in case of change of the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him shall be intimated by public notice, in the same manner specified in this clause;

(b) display, at its each office, Information and Facilitation Centre, call centre, customer care centre, help desk, People's Support Centre and at the sales outlets, website and at the office of the Grievance Redress Officer and the appellate authorities, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Grievance Redress Officer have been appointed or designated.

(3) Every public authority shall appoint or designate such number of Grievance Redress Officer under sub-section (1) and for such areas, as may be considered by it necessary, for Grievance Redress Officer being easily accessible and available for redressal of grievance of the public.

(4) The Grievance Redress Officer shall provide all necessary assistance to citizens in filing complaints.

(5) Where a complainant is unable to make a complaint in writing, the Grievance Redress Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

8. All complaints shall, within two days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through telephone or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time frame in accordance with its Citizens Charter within which the complaint will be redressed.

9. (1) Upon receipt of a complaint as defined in clause (f) of section 2, it shall be the duty of the concerned Grievance Redress Officer to ensure that,—

(a) the grievance is remedied in a time frame not exceeding thirty days from the date of receipt of the complaint;

Appointment and obligations of Grievance Redress Officers, including for each municipality and Panchayat.

Acknowledgement of complaint by receipt thereof.

Action to be taken by Grievance Redress Officer.

(b) the reason for the occurrence of the grievance is identified and the responsibility of the defaulting office or individual is fixed and the grievance is redressed satisfactorily within thirty days from the date of receipt of the complaint by the Grievance Redress Officer;

(c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or individual then the action is taken in accordance with conduct rules and departmental procedures;

(d) where the Grievance Redress Officer is convinced that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the goods or services or there exist *prima facie* grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redress Officer can make an observation to that effect along with a recommendation for the penalty, including compensation to the complainant, to be imposed, to the designated authority.

(2) The Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a complaint.

(3) Any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be deemed to be a Grievance Redress Officer for the purposes of this Act.

(4) The Grievance Redress Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed and shall give him a report in the form of an action taken report.

10. The Grievance Redress Officer shall, immediately after the expiry of the period of thirty days, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of complaints to the Designated Authority.

Forwarding
of details of
non-redressal
of complaints
to Designated
Authority.

49 of 1988.

CHAPTER VI

APPEAL TO THE DESIGNATED AUTHORITY

Appeal.

11. (1) Every complaint forwarded along with the details under section 10 shall be deemed to have been filed by way of an appeal to the Designated Authority.

(2) Any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Designated Authority:

Provided that the Designated Authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(3) The receipt of the appeal under sub-section (2) shall be acknowledged by the office of the Designated Authority.

(4) The Designated Authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

5 of 1908.

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(5) The designated authority shall have original jurisdiction to adjudicate upon every application made to it under this section.

5 of 1908.

(6) The designated authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the authority shall have the power to regulate its own procedure.

(7) Every appeal filed under this section or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within thirty days from the date of receipt of such appeal:

Provided that an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal.

(8) The designated authority shall arrange to deliver copies of the decisions to the parties concerned within a period of five working days from the date of such decisions.

(9) The designated authority may impose penalty, including compensation to the complainant, in deciding an appeal against concerned officer for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

49 of 1988.

(10) Where it appears to the designated authority that the grievance complained of is, *prima facie*, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the individual officer of the public authority complained against, then, it shall record in writing such evidence as may be found in support of such conclusion and shall initiate the proceedings or in writing refer the same to the appropriate authorities competent to take cognizance of such corrupt practice.

(11) The designated authority shall upon adjudication of a complaint have the powers to issue directions requiring the concerned officers of the public authority to take such steps as may be necessary to secure compliance with the provisions of Citizens Charter.

CHAPTER VII

ESTABLISHMENT OF STATE PUBLIC GRIEVANCE REDRESSAL COMMISSION

12. (1) Any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority, falling within the jurisdiction of the State Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the State Public Grievance Redressal Commission:

Appeal to
State
Commission.

Provided that the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) The decision of the State Public Grievance Redressal Commission under this section shall be binding.

Constitution of State Public Grievance Redressal Commission. Composition of State Commission.

13. The State Government shall constitute, by notification, a Commission to be known as “the State Public Grievance Redressal Commission” to exercise the jurisdiction, power and authority conferred under this Act.

14. The State Public Grievance Redressal Commission shall consist of,—

(a) a Chief Commissioner; and

(b) such number of Commissioners, not exceeding ten, as may be prescribed, out of which at least one each shall be from amongst the Scheduled Castes, Scheduled Tribes and Women.

Selection Committee for appointment of state Commissioners.

15. (1) The Chief Commissioner and Commissioners shall be appointed by the Governor on the recommendation of a Selection Committee consisting of,—

(a) the Chief Minister, who shall be the Chairperson of the Committee;

(b) the Leader of Opposition in the Legislative Assembly; and

(c) a sitting Judge of the High Court to be nominated by the Chief Justice of the State.

(2) The Selection Committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed.

(3) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.

Qualifications for appointment of State Commissioners.

16. A person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the State Public Grievance Redressal Commission unless,—

(a) he is, or has been an officer of the State Government and has held the post in the rank of Secretary or the Principal Secretary to that Government; or

(b) he is or has been a District Judge for at least ten years; or

(c) he is or has been a Judge of the High Court of the State; or

(d) he is an eminent person recognised for his work towards public service in the area and who has worked for at least fifteen years in the social sector with a post-graduate degree in a relevant subject:

Provided that the State Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

Terms of office of Chief Commissioner and other Commissioners.

17. (1) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which they enter upon office or until they attain the age of sixty-five years, whichever is earlier.

(2) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

18. (1) The State Government shall provide the State Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under this Act.

Staff, Salary and allowances of State Commission.

(2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Chief Commissioner.

(3) The salary and allowances payable to, and the other terms and conditions of service of,—

(a) the Chief Commissioner shall be the same as that of an Election Commissioner; and

(b) the Commissioners shall be the same as that of the Chief Secretary of the State:

Provided that if the Chief Commissioner or Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Commissioner or Commissioner shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits, excluding pension equivalent or retirement gratuity:

Provided further that where the Chief Commissioner or Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Commissioner or the Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner or Commissioner shall be varied to their disadvantage after appointment.

19. If, for any reason other than temporary absence, any vacancy occurs in the office of the State Public Grievance Redressal Commission then the Chief Commissioner shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Filling up of vacancies.

20. (1) Any member of the State Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office.

Resignation and removal.

(2) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.

Powers of
Commission
and
procedure
before it.

(3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.

21. (1) The State Public Grievance Redressal Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

(2) The State Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

5 of 1908.

Procedure of
adjudication
by State
Public
Grievance
Redressal
Commission.

22. (1) The State Public Grievance Redressal Commission shall have original jurisdiction to decide every appeal made to it under section 12.

(2) The State Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

45 of 1861.

2 of 1974.

45 of 1860.

Proceedings
before
Commission
to be judicial
proceedings.

23. All proceedings before the State Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

24. The staff and officers of the State Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Time frame
for disposal
of appeals.

25. (1) An appeal under section 12 shall be disposed of within sixty days from the date of filing of the appeal:

Provided that an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

(2) The State Public Grievance Redressal Commission may impose penalty, including compensation to the complainant, while deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them under this section.

Power to
issue
directions
and exercise
original
jurisdiction.

26. (1) The State Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions,—

- (a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter;

(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

(2) It shall be the duty of the State Public Grievance Redressal Commission to receive and inquire into a complaint from any person,—

- (a) who has been unable to submit an appeal to the designated authority;
- (b) who has been refused redress of grievance under this Act;
- (c) whose complaint has not been disposed of within the time limit specified;
- (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;
- (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

(3) The State Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the Head by the Department of the Public authority and in such cases, an action taken report shall be sent by the Head of the Department of the public authority to the State Commission within thirty days from the date of such reference.

(4) Where the State Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

27. In any appeal proceedings, the burden of proof to establish that a non- redressal of complaint by the Grievance Redress Officer shall be on the Grievance Redress Officer who denied the request.

Burden of proof to be on Grievance Redress Officer. Where Grievance complained of is a result of corrupt practices.

28. Where it appears to the Commission that the grievance complained of is, *prima facie*, indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against, then, it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

49 of 1988.

CHAPTER VIII

ESTABLISHMENT OF THE CENTRAL PUBLIC GRIEVANCE REDRESSAL COMMISSION

29. (1) Any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority falling within the jurisdiction of the Central Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Central Public Grievance Redressal Commission:

Appeal to Central Commission.

Provided that the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) The decision of the Central Public Grievance Redressal Commission under this section shall be binding.

30. The Central Government shall constitute, by notification, a body to be known as "Central Public Grievance Redressal Commission" to exercise the jurisdiction, powers and authority conferred under this Act.

Constitution of Central Public Grievance Redressal Commission.

Composition
of Central
Commission.

31. The Central Public Grievance Redressal Commission shall consist of,—

(a) the Chief Public Grievance Redress Commissioner; and

(b) such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

Selection
Committee
for
appointment
of Central
Public
Grievance
Redress
Commissioners.

32. (1) The Chief Public Grievance Redress Commissioner and Central Public Grievance Redress Commissioners shall be appointed by the President on the recommendation of a Committee consisting of,—

(a) the Prime Minister, who shall be the Chairperson of the committee;

(b) the Leader of Opposition in the Lok Sabha; and

(c) a sitting Judge of the Supreme Court to be nominated by the Chief Justice of India.

(2) The Selection Committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such members as may be prescribed.

(3) Subject to the provisions of sub-sections (1) and (2), the Selection Committee may regulate its own procedure.

Qualifications
for
appointment
of Central
Public
Grievance
Redress
Commissioners.

33. (1) A person shall not be qualified for appointment as a Chief Commissioner or Commissioners of Central Public Grievance Redressal Commission unless,—

(a) he is, or has been an officer of the Central Government and has held the post in the rank of Secretary to the Government of India; or

(b) he is, or has been a Chief Justice of a High Court or a Judge of the Supreme Court;

(c) he is, an eminent person recognised for his work towards public service in the area and who has worked for at least twenty years in the social sector with a post-graduate degree in a relevant subject:

Provided that the Central Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

Terms of
office of
Central
Grievance
Redress
Commissioners.

34. (1) The Chief Public Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners shall hold office for a term of five years from the date on which they enter upon the office.

(2) The Chief Grievance Redress Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

Staff, Salary
and
allowances
of Central
Commission.

35. (1) The Central Government shall provide the Central Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under this Act.

(2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Chief Public Grievance Redress Commissioner.

(3) The salary and allowances payable to and the other terms and conditions of service of,—

(a) the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner; and

(b) the Central Public Grievance Redress Commissioner shall be the same as that of an Election Commissioner:

Provided that if the Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits, excluding pension equivalent or retirement gratuity:

Provided further that where the Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that neither the salary and allowances nor the other terms and conditions of service of the members of the Central Public Grievance Redressal Commission shall be varied to their disadvantage after appointment.

36. If, for any reason other than temporary absence, any vacancy occurs in the office of the Central Public Grievance Redressal Commission then the Chief Public Grievance Redress Commissioner shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Filling up of vacancies.

37. (1) Any member of the Central Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the President with a copy to the Chief Public Grievance Redress Commissioner, resign his office.

Resignation and removal.

(2) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Public Grievance Redress Commissioner or any Central Public Grievance Redress Commissioner if the Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Public Grievance Redress Commissioner or a Central Public Grievance Redress Commissioner.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioners.

38. (1) The Central Public Grievance Redressal Commission shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

Powers of Central Commission and procedure before it.

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The Central Public Grievance Redressal Commission shall have original jurisdiction to adjudicate upon every appeal made to it under section 29.

(3) The Central Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

(4) The Central Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

39. All proceedings before the Central Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

40. In any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redress Officer shall be on the Grievance Redress Officer who denied the request.

41. The staff and officers of the Central Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

42. (1) An appeal under section 29 shall be disposed of within sixty days from the date of filing of the appeal:

Provided that an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

(2) The Central Public Grievance Redressal Commission may impose penalty, including compensation to the complainant, in deciding an appeal against designated officers and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause:

Provided that the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

43. (1) The Central Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions,—

(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter;

(b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

5 of 1908.

45 of 1960.
2 of 1974.

45 of 1960.

Power to issue directions and exercise original jurisdiction.

(2) It shall be the duty of the Central Public Grievance Redressal Commission to receive and inquire into a complaint from any person,—

- (a) who has been unable to submit an appeal to the designated authority;
- (b) who has been refused redress of grievance under this Act;
- (c) whose complaint has not been disposed of within the time limit specified;
- (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the public authority or is inadequate in any regard or it is not widely disseminated to make people aware of it;
- (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

(3) The Central Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of this Act and refer such cases for disposal to the Public authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the Central Commission within thirty days from the date of such reference.

(4) Where the Central Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

44. Where it appears to the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

Where
grievance
complained
of is a result
of corrupt
practices.

49 of 1988.

CHAPTER IX

PENALTIES AND COMPENSATION

45. (1) The designated authority, the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, may impose a lump sum penalty against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

Penalty and
compensation
for *mala fide*
action.

(2) On imposition of the penalty under sub-section (1), the appellate authority may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit:

Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said section.

(3) If any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide.

CHAPTER X

REPORTING OF REDRESSAL OF GRIEVANCES BY PUBLIC AUTHORITY

46. (1) Every public authority shall ensure that every Grievance Redress Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

Reporting
requirements.

(2) Every public authority shall publish on its website, by the 15th day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein—

- (a) the number of complaints received;
- (b) the number of complaints pending;
- (c) the number of complaints disposed of; and
- (d) such other particulars, as may be prescribed, for discharge of its functions under this Act.

CHAPTER XI

MISCELLANEOUS

Appeal against decision of Central Commission or State Commission.

47. (1) Any person aggrieved by the decision of the Central Public Grievance Redressal Commission, which contains the findings relating to corruption under the Prevention of corruption Act, 1988, may prefer an appeal to the Lokpal constituted under the Lokpal and Lokayuktas Act, 2011.

49 of 1988.

(2) Any person aggrieved by the decision of the State Public Grievance Redressal Commission, which contains the findings relating to corruption under the Prevention of corruption Act, 1988, may prefer an appeal to the Lokayukta constituted under the Lokpal and Lokayuktas Act, 2011.

(3) The time within which and the manner in which the appeal may be filed under this section shall be such as may be prescribed by the appropriate Government.

Bar of jurisdiction of court.

48. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Grievance Redress Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

Enforcement of orders by State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

49. Every order made by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission may be enforced by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction,—

- (a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or
- (b) in the case of an order against a public authority being a company, the registered office of the company is situated; or
- (c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and

thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

Protection for acts done in good faith.

50. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Provisions to be in addition to existing laws.

51. The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

Power to make rules.

52. (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the officer or the authority to be designated as Designated Authority under clause (h) of section 2;
- (b) other information under clause (g) of sub-section (2) of section 4;
- (c) matters in relation to Citizen's Charter under sub-section (3) of section 4;
- (d) matters in relation to the information and facilitation centre, under sub-section (3) of section 6;
- (e) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-section (1) of section 7;
- (f) the other means by which complaints may be made under section 8;
- (g) the other matters for which the designated authority shall have power under clause (g) of sub-section (4) of section 11;
- (h) the number of Commissioners of the State Public Grievance Redressal Commission under clause (b) of section 14;
- (i) the members of the search committee under sub-section (2) of section 15;
- (j) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the State Public Grievance Redressal Commission under proviso to section 16;
- (k) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-section (3) of section 20;
- (l) the other matters for which the State Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 21;
- (m) the number of Commissioners of the Central Public Grievance Redressal Commission under clause (b) of section 31;
- (n) the members of the search committee under sub-section (2) of section 32;
- (o) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the Central Public Grievance Redressal Commission under proviso to section 33;
- (p) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioner and other Commissioners of, the Central Public Grievance Redressal Commission under sub-section (3) of section 37;
- (q) the other matters for which the Central Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 38;
- (r) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under sub-section (2) of section 46;
- (s) the time within which and the manner in which an appeal may be filed under sub-section (3) of section 47;
- (t) any other matter which is required to be or may be prescribed under this Act.

53. (1) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Laying of
rules.

(2) Every rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

Power to remove difficulties.

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Citizen's Charters were introduced in India in 1997, which was voluntary in character. The main elements of the Citizen's Charter were to be published containing the details of services and the time period for delivery of such services. These charters gradually spread from Central Ministries and Departments to States and their Organisations. However, a vast majority of them remained ineffective and dormant. In order to improve Public Service Delivery, a service excellence model called "Sevottam" was initiated in 2005 to give a new thrust to the implementation of Citizen's Charter, which has been successfully piloted in a few chosen organisations of the Government of India and States and is being upscaled considerably. Centralised Public Grievance Redress and Monitoring System (CPGRAMS) was launched in 2007, which is a web based portal for lodging complaints by the public. It is now operational in all the Ministries and Departments of Government of India along with about 6000 of their subordinate organisations. Many States have also enacted Right to Public Service Delivery Legislation in which a few important Public Services have been selected for service delivery. It was felt that these efforts were noteworthy, but in the absence of an overarching structure, their impact was diffused and limited. In this context, it was felt that rights based approach be followed in this respect by making the Citizen's Charter statutory and endowing public with the right to get delivery of services within stipulated time lines.

2. In view of the aforesaid, it has been felt necessary to enact a comprehensive legislation, namely, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. The Bill, *inter alia*,—

- (a) confers right on every individual citizen to time bound delivery of goods and provision for services and redressal of grievances;
- (b) requires every public authority to publish, within six months of the commencement of the proposed legislation, a Citizen's Charter specifying therein the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered the name and addresses of individuals responsible for the delivery of goods or rendering of services;
- (c) provides for obligation of the Head of the Department for updating and verifying the Citizens Charter;
- (d) requires every Public Authority to establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre;
- (e) requires every public authority to, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the prescribed manner;

(f) requires the concerned Grievance Redress Officer, upon receipt of a complaint, to ensure that the grievance is remedied in a timeframe not exceeding thirty days from the date of receipt of the complaint;

(g) provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Designated Authority who shall dispose of such appeal within thirty days from the date of receipt of such appeal;

(h) provides for constitution of the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission consisting of Chief Commissioners and other Commissioners;

(i) any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the State Government may prefer an appeal to the State Public Grievance Redressal Commission and any person aggrieved by the decision of the Designated Authority falling under the jurisdiction of the Central Government may prefer an appeal to the Central Public Grievance Redressal Commission;

(j) confers power upon the Designated Authority, the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission to impose a lump sum penalty, including compensation to the complainant, against designated official responsible for delivery of goods and services or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed;

(k) provides that on the imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the proposed legislation shall be awarded to the appellant, as compensation, not exceeding the amount of penalty imposed, as it may deem fit;

(l) provides that if any public servant is found guilty of offence, the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a penalty as the disciplinary authority may decide;

(m) provides that in any appeal proceedings, the burden of proof to establish that a non-redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request;

(n) provides that where it appears to the Designated Authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities competent to take cognizance of such corrupt practice;

(o) provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission may prefer an appeal to the Lokpal, and any person aggrieved by the decision of the State Public Grievance Redressal Commission may prefer an appeal to the Lokayukta, constituted under the Lokpal and Lokayuktas Act, 2011.

3. The notes on clauses explain in detail the various provisions contained in the Bill.
4. The Bill seeks to achieve the above objects.

Notes on Clauses

Clause 1.— This clause provides for the short title, extent and commencement of the proposed legislation.

Clause 2.— This clause provides for definitions of various expressions used in the proposed legislation, which, *inter alia*, include “action taken report”, “appropriate Government”, “Citizens Charter”, “days”, “Designated Authority”, “Grievance Redress Officer”, “Head of Department”, “Information and Facilitation Centre”, “public authority” and “service”, etc.

Clause 3.— This clause provides for right to service. It provides that every individual citizen shall have the right to time bound delivery of goods and provision for services and redressal of grievances.

Clause 4.— This clause provides for obligation of public authority to publish Citizens Charter. It provides that every public authority shall publish, within six months of the commencement of the proposed legislation, a Citizens Charter specifying therein all the category of goods supplied and services rendered by it, the time within which such goods shall be supplied or services be rendered.

It further provides that without prejudice to the generality of the provisions contained in sub-section (1), the Citizens Charter shall provide all or any of—(a) all the details of goods supplied and goods rendered by the public authority and the name of person or agency through which such goods are supplied or services rendered and timings during which such goods are supplied or services rendered; (b) the conditions under which a person becomes entitled for goods or services, and the class of persons who are entitled to receive such goods and avail services; (c) the quantitative and tangible parameters (including weight, size, frequency) of the goods and services available to the public; (d) complaint redressal mechanism including the time within which the complaint be disposed of and the officer of the public authority to whom such complaint may be made; (e) the name and addresses of individuals responsible for the delivery of goods or rendering of services, as designated officer mentioned in (a) above; (f) any other functions, obligations, responsibility or duty of the public authority is required or reasonably expected to provide; (g) any other information relevant to delivery of goods or provision of services or such other information as may be prescribed.

It also provides that the appropriate Government may, by notification, make rules in relation to citizens charter and grievance redressal.

Clause 5.— This clause provides that obligation of Head of Department for updating and verifying the Citizens Charter. It provides that the Head of Department in each public authority shall be responsible for updating and verifying the Citizens Charter every year and the accuracy of the contents thereof and the responsibility of the Head of the Department of every public authority to ensure that the Citizens Charter is widely disseminated to the public.

It further provides that it shall be the responsibility of the Head of Department of every public authority to take steps in accordance with section 4 of the Right to Information Act, 2005 for providing relevant information to the public enabling them to exercise their rights under the proposed legislation.

It also provides that every Head of Department shall ensure that all material be disseminated taking into consideration the local language and the most effective method of communication in that local area free of cost and every Head of Department shall to the extent possible, ensure that the Citizens Charter is made available at the website of the public authority and in other electronic forms and shall be available free of cost.

It also provides that every Head of Department shall ensure that a copy of the Citizens Charter of the public authority duly certified by him is submitted to appropriate bodies,

including appropriate Central and State Public Grievance Redressal Commission, when it is published and subsequently, every time that it is modified, updated or amended.

Clause 6.— This clause provides for establishment of Information and Facilitation Centre. It provides that every Public Authority shall establish information and facilitation centre for efficient and effective delivery of services and redressal of grievances, which may include establishment of customer care centre, call centre, help desk and people's support centre.

It further provides that every Head of Department of the public authority shall be responsible for the development, improvement, modernisation and reform in service delivery and Redressal of grievance system. It shall also include adoption of electronic modes, internet, etc., and the appropriate Government may, by notification, make rules in relation to Information and Facilitation Centre.

Clause 7.— This clause provides for appointment and obligations of Grievance Redress Officers, including for each municipalities and Panchayat. It provides that every public authority shall, within six months from the date of the coming into force of the proposed legislation, designate as many officers as may be necessary as Grievance Redress Officers in all administrative units or offices at the Central, State, district and sub-district levels, municipalities, Panchayats whereat supplies of goods or render services to receive, enquire into and redress any complaints from citizens in the prescribed manner.

It further provides that the Grievance Redress Officer so appointed shall be at least one level above and be deemed to have administrative control on the individual designated to deliver goods or render services as per the Citizens Charter and every public authority shall, immediately on appointment or designation of a Grievance Redress Officer, give a public notice in a newspaper published in Hindi or English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services, indicating therein the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Grievance Redress Officer has been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner and in case of change of the name of the Grievance Redress Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him shall be intimated by public notice, in the same manner specified in this clause and display it at its each office, Information and Facilitation Centre, Call Centre, customer care centre, help desk, People's Support Centre and at the sales outlets, website and at the office of the Grievance Redress Officer and the appellate authority, the name of the Grievance Redress Officer, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Grievance Redress Officer has been appointed or designated.

It also provides that every public authority shall appoint or designate such number of Grievance Redress Officers for such areas, as it may be considered by it necessary, for being easily accessible and available for redressal of grievance of the public and the Grievance Redress Officer shall provide all necessary assistance to citizens in filing complaints and where a complainant is unable to make a complaint in writing, the Grievance Redress Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

Clause 8.— This clause provides for acknowledgment of complaint by receipt thereof. It provides that all complaints shall, within two days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through telephone or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time-frame in accordance with its Citizens Charter within which the complaint will be redressed.

Clause 9.— This clause provides for action to be taken by Grievance Redress Officer. It provides that on receipt of a complaint, it shall be the duty of the concerned Grievance

Redress Officer to ensure,— (a) the grievance is remedied in a time-frame not exceeding thirty days from the date of receipt of the complaint; (b) the reason for the occurrence of the grievance is identified and the responsibility of the defaulting office or individual is fixed and the grievance is redressed satisfactorily within thirty days from the date of receipt of the complaint by the Grievance Redress Officer; (c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or individual that the action is taken in accordance with conduct rules and departmental procedures; (d) where the Grievance Redress Officer is convinced that the individual responsible for the delivery of the goods and services has wilfully neglected to deliver the good or service or there exist *prima facie* grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redress Officer can make an observation to that effect along with a recommendation for the penalty including compensation to the complainant to be imposed, to the designated authority.

It further provides that the Grievance Redress Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a complaint and any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redress Officer seeking his assistance and for the purposes of any contravention of the provisions of the proposed legislation, such other officer shall be deemed to be a Grievance Redress Officer for the purposes of the proposed legislation and the Grievance Redress Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed and shall give him a report in the form of an action taken report.

Clause 10.— This clause provides for forwarding of details of non redressal of complaints to the Head of Department of the Public Authority. It provides that the Grievance Redress Officer shall, immediately after the expiry of the period of thirty days, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non redressal of complaints to the designated authority.

Clause 11.— This clause provides for appeal. It provides that every complaint forwarded along with the details shall be deemed to have been filed by way of an appeal to the Designated Authority.

It further provides that any individual aggrieved by a decision of the concerned Grievance Redress Officer or who has not received an action taken report in respect of a complaint filed by him, may, if he so desires, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the designated authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the receipt of the appeal shall be acknowledged by the office of the designated authority.

It also provides that the designated authority shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of—(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It also provides that the designated authority shall have original jurisdiction to adjudicate upon every application made to it and the Head of Department of the Public Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

It also provides that every appeal filed or complaint deemed to be by way of an appeal shall be disposed of by the designated authority within thirty days from the date of receipt of such appeal and an appeal of an urgent or immediate nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than thirty days from the date of receipt of the appeal and the Head of Department of the Public Authority shall arrange to deliver copies of the decisions to the parties concerned within a period of five working days from the date of such decisions.

It also provides that the designated authority may impose penalty including compensation to the complainant in deciding an appeal against concerned officer for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

Clause 12.— This clause provides for appeal to State Commission. It provides that any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority, falling within the jurisdiction of the State Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the State Public Grievance Redressal Commission and the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the decision of the State Public Grievance Redressal Commission shall be binding.

Clause 13.— This clause provides for Constitution of State Public Grievance Redressal Commission. It provides that the State Government shall constitute, by notification, a Commission to be known as “the State Public Grievance Redressal Commission” to exercise the jurisdiction power, and authority conferred under the proposed legislation.

Clause 14.— This clause provides for composition of State Commission. It provides that the State Public Grievance Redressal Commission shall consist of,—(a) a Chief Commissioner; and (b) such number of Commissioners, not exceeding ten, as may be prescribed, out of which atleast one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

Clause 15.— This clause provides for Selection Committee for appointment of State Commissioners. It provides that the Chief Commissioner and Commissioners shall be appointed by the Governor on the recommendation of a Selection Committee consisting of—(a) the Chief Minister, who shall be the Chairperson of the Committee; (b) the Leader of Opposition in the Legislative Assembly; and (c) a sitting judge of the High Court to be nominated by the Chief Justice of the State.

It further provides that the selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such prescribed members and the selection committee may regulate its own procedure.

Clause 16.— This clause provides qualifications for appointment of State Commissioners. It provides that a person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the State Public Grievance Redressal Commission unless— (a) he is, or has been an officer of the State Government and has held the post in the rank of Secretary or the Principal Secretary to that Government; or (b) he is or has been a District Judge for at least ten years; or (c) he is or has been a judge of the High Court of the State; or (d) he is an eminent person recognised for his work towards public service in the area and who has worked for at least fifteen years in the social sector with a post-graduate degree in a relevant subject; and the State Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

Clause 17.— This clause provides terms of office of Chief Commissioner and other Commissioners. It provides that the Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which they enter upon office or until they attain the age of sixty-five years whichever is earlier and the Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

Clause 18.— This clause provides for staff, salary and allowances of State Commission. It provides that the State Government shall provide the State Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under the proposed legislation.

It further provides that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Commissioner and the salary and allowances payable to, and the other terms and conditions of service of, the Chief Commissioner shall be the same as that of an Election Commissioner; and the Commissioners shall be the same as that of Chief Secretary of the State and neither the salary and allowances nor the other terms and conditions of service of the Commissioners shall be varied to their disadvantage after appointment.

Clause 19.— This clause provides for filling up of vacancies. It provides that if, for any reason other than temporary absence, any vacancy occurs in the office of the State Public Grievance Redressal Commission then the Chief Commissioner shall appoint another person in accordance with the provisions of the proposed legislation to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Clause 20.— This clause provides for resignation and removal. It provides that any member of the State Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the Governor of the State with a copy to the Chief Commissioner, resign his office and the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be—(a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or (c) engages during his term of office in any paid employment outside the duties of his office; or (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner.

It further provides that the State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Commissioner or Commissioners.

Clause 21.— This clause provides for powers of Commission and procedure before it. It provides that the State Public Grievance Redressal Commission shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of—(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It further provides that the State Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Commission shall have the power to regulate its own procedure.

Clause 22.— This clause provides for procedure of adjudication by State Public Grievance Redressal Commission. It provides that the State Public Grievance Redressal Commission shall have original jurisdiction to decide every appeal made to it and the State Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

Clause 23.— This clause provides that proceedings before Commission to be judicial proceedings. It provides that all proceedings before the State Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Clause 24.— This clause provides for Staff and officers to be public servants. It provides that the staff and officers of the State Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Clause 25.— This clause provides for time-frame for disposal of appeals. It provides that an appeal shall be disposed of within sixty days from the date of filing of the appeal and an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal and the State Public Grievance Redressal Commission may impose penalty including compensation to the complainant while deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

Clause 26.— This clause provides for power to issue directions and exercise original jurisdiction. It provides that the State Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions—(a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter; (b) requiring the timely creation, updation and wide dissemination of the Citizens Charter of the public authority.

It further provides that the State Public Grievance Redressal Commission to receive and inquire into a complaint from any person—(a) who has been unable to submit an appeal to the designated authority; (b) who has been refused redress of grievance under the proposed legislation; (c) whose complaint has not been disposed of within the time limit specified; (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the Public Authority or is inadequate in any regard or it is not widely disseminated to make people aware of it; (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under the proposed legislation.

It also provides that the State Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of the proposed legislation and refer such cases for disposal to the authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the State Commission within thirty days from the date of such reference and the State Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

Clause 27.— This clause provides that burden of proof to be on Grievance Redressal Officer. It provides that in any appeal proceedings, the burden of proof to establish that a non redressal of complaint by the Grievance Redressal Officer shall be on the Grievance Redress Officer who denied the request.

Clause 28.— This clause provides for where grievance complained of is a result of corrupt practices. It provides that if it appears to the Commission that the grievance complained of is, *prima facie*, indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against, then, it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

Clause 29.— This clause provides for appeal to the Central Commission. It provides that any person who, does not receive a decision within the time specified in Chapter V, or is aggrieved by a decision of the designated authority falling within the jurisdiction of Central Government, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to the Central Public Grievance Redressal Commission: and the Commission may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time and the decision of the Central Public Grievance Redressal Commission shall be binding.

Clause 30.— This clause provides for constitution of Central Public Grievance Redressal Commission. It provides that the Central Government shall constitute, by notification, a body to be known as “Central Public Grievance Redressal Commission” to exercise the jurisdiction, powers and authority conferred under the proposed legislation.

Clause 31.— This clause provides for composition of the Central Commission. It provides that the Central Public Grievance Redressal Commission shall consist of—(a) the Chief Public Grievance Redress Commissioner; and (b) such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed out of which at least one each shall be from amongst Scheduled Castes, Scheduled Tribes and Women.

Clause 32.— This clause provides for Selection Committee for appointment of the Central Public Grievance Redress Commissioners. It provides that the Chief Public Grievance Redress Commissioner and Central Public Grievance Redress Commissioners shall be appointed by the President on the recommendation of a committee consisting of—(a) the Prime Minister, who shall be the Chairperson of the committee; (b) the Leader of Opposition in the Lok Sabha; and (c) a sitting judge of the Supreme Court to be nominated by the Chief Justice of India. It also provides that the selection committee shall select out of a panel of five eligible candidates for each vacancy which shall be finalised by a search committee consisting of such prescribed member and the Selection Committee may regulate its own procedure.

Clause 33.— This clause provides for qualifications for appointment of Central Public Grievance Redress Commissioners. It provides that a person shall not be qualified for appointment as a Chief Commissioner or Commissioners of Central Public Grievance Redress Commissioner unless—(a) he is, or has been an officer of the Central Government and has held the post in the rank of Secretary to the Government of India; or (b) he is or has been a Chief Justice of a High Court or a Judge of the Supreme Court; (c) he is an eminent person recognised for his work towards public service in the area and who has worked for at least twenty years in the social sector with a post graduate degree in a relevant subject and the Central Government may prescribe criteria in addition to the above for the appointment of the Chief Commissioner and Commissioners.

Clause 34.— This clause provides for terms of office of Central Grievance Redress Commissioners. It provides that the Chief Public Grievance Redress Commissioner and the Central Public Grievance Redress Commissioners shall hold office for a term of five years from the date on which they enter upon the office and the Chief Grievance Redress Commissioner shall hold office for a term of five years from the date on which he enter upon his office and shall not be eligible for reappointment.

Clause 35.— This clause provides for staff, salary and allowances of Central Commission. It provides that the Central Government shall provide the Central Public Grievance Redressal Commission with such officers and employees as may be required for the discharge of its functions under the proposed legislation.

It further provides that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Public Grievance Redress Commissioner and the salary and allowances payable to and the other terms and conditions of service of the the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner; and the Central Public Grievance Redress Commissioner shall be the same as that of an Election Commissioner and neither the salary and allowances nor the other terms and conditions of service of the members of the Central Public Grievance Redressal Commission shall be varied to their disadvantage after appointment.

Clause 36.— This clause provides for filling up of vacancies. It provides that if, for any reason other than temporary absence, any vacancy occurs in the office of the Central Public Grievance Redressal Commission then the Chief Public Grievance Redress Commissioner shall appoint another person in accordance with the provisions of the proposed legislation to fill the vacancy and the proceedings may be continued before the Commission from the stage at which the vacancy is filled.

Clause 37.— This clause provides for resignation and removal. It provides that any member of the Central Public Grievance Redressal Commission may, by notice in writing under his hand addressed to the President with a copy to the Chief Public Grievance Redress Commissioner, resign his office.

It further provides that the President may by order remove from office the Chief Public Grievance Redress Commissioner or any Central Public Grievance Redress Commissioner if the Chief Public Grievance Redress Commissioner or the Central Public Grievance Redress Commissioner, as the case may be,—(a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or (c) engages during his term of office in any paid employment outside the duties of his office; or (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Public Grievance Redress Commissioner or a Central Public Grievance Redress Commissioner.

It also provides that the Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Chief Public Grievance Redress Commissioner or Central Public Grievance Redress Commissioners.

Clause 38.— This clause provides for powers of Central Commission and procedure before it. It provides that the Central Public Grievance Redressal Commission shall, for the purposes of its functions under the proposed legislation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of—(a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed.

It further provides that the Central Public Grievance Redressal Commission shall have original jurisdiction to adjudicate upon every application made to it and the Central Public Grievance Redressal Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of the proposed legislation and of any rules made thereunder, the Commission shall have the power to regulate its own procedure and the Central Public Grievance Redressal Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

Clause 39.— This clause provides for proceedings before Central Commission to be judicial proceedings. It provides that all proceedings before the Central Public Grievance Redressal Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Clause 40.— This clause provides that burden of proof to be on Grievance Redressal Officer. It provides that in any appeal, proceedings, the burden of proof to establish that a non redressal of complaint by the Grievance Redress Officer shall be on the Grievance Redress Officer who denied the request.

Clause 41.— This clause provides that staff and officers to be public servants. It provides that the staff and officers of the Central Public Grievance Redressal Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Clause 42.— This clause provides for time-frame for disposal of appeals. It provides that an appeal shall be disposed of within sixty days from the date of filing of the appeal and an appeal of an urgent or immediate in nature shall be disposed of within the same day of the receipt of the appeal or before the date on which the cause of action may cease to exist, which shall not be later than fifteen days from the date of receipt of the appeal.

It further provides that the Central Public Grievance Redressal Commission may impose penalty including compensation to the complainant in deciding an appeal against designated officer and Grievance Redress Officers for acting in a *mala fide* manner or having failed to discharge their duties without any sufficient and reasonable cause and the concerned officers of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them.

Clause 43.— This clause provides for power to issue directions and exercise original jurisdiction. It provides that the Central Public Grievance Redressal Commission shall, upon adjudication of a complaint, have the power to issue directions— (a) requiring the public authority to take such steps as may be necessary to secure compliance with the provisions of the Citizens Charter; (b) requiring the timely creation, update and wide dissemination of the Citizens Charter of the public authority.

It further provides that it shall be the duty of the Central Public Grievance Redressal Commission to receive and inquire into a complaint from any person— (a) who has been unable to submit an appeal to the designated authority; (b) who has been refused redress of grievance under the proposed legislation; (c) whose complaint has not been disposed of within the time limit specified; (d) who has been denied access to the Citizens Charter of the public authority either because the Charter was not created by the Public Authority or is inadequate in any regard or it is not widely disseminated to make people aware of it; (e) in respect of any other matter relating to registering and redressing of a complaint or appeal under the proposed legislation.

It also provides that the Central Public Grievance Redressal Commission may, *suo motu*, take notice of failure to deliver goods and services in accordance with the provisions of the proposed legislation and refer such cases for disposal to the authority and in such cases, an action taken report shall be sent by the Head of Department of the Public Authority to the Central Commission within thirty days from the date of such reference and if the Central Public Grievance Redressal Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry *suo motu* in respect thereof.

Clause 44.— This clause provides for where grievance complained of is a result of corrupt practices. It provides that where it appears to the Central Public Grievance Redressal Commission that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authorities.

Clause 45.— This clause provides for penalty and compensation for *mala fide* action. It provides that the designated authority, the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, may impose a lump-sum penalty against designated official responsible for delivery of goods and services

or Grievance Redress Officer for their failure to deliver goods or render services to which the applicant is entitled, which may extend up to fifty thousand rupees which shall be recovered from the salary of the official against whom penalty has been imposed.

It further provides that on imposition of the penalty, the appellate authority may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit.

It also provides that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said clause.

It also provides that if any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who if proved to be guilty of a *mala fide* action in respect of any provision of the proposed legislation, shall be liable to such punishment including a penalty as the disciplinary authority may decide.

Clause 46.— This clause provides for reporting requirements. It provides that every public authority shall ensure that every Grievance Redress Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

It further provides that every public authority shall publish on its website, by the 15th day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein— (a) the number of complaints received; (b) number of complaints pending; (c) number of complaints disposed of; and (d) such other particulars, as may be prescribed, for discharge of its functions under the proposed legislation.

Clause 47.— This clause provides for appeal against decision of State Commission or Central Commission. It provides that any person aggrieved by the decision of the Central Public Grievance Redressal Commission may file appeal to Lokpal and against the decision of State Public Grievance Redressal Commission may file appeal to Lokayukta within the prescribed time and manner.

Clause 48.— This clause provides for bar of jurisdiction of court. It provides that no civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under the proposed legislation required to be settled, decided or dealt with or to be determined by the Grievance Redress Officer or the designated authority or the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission.

Clause 49.— This clause provides that enforcement of orders by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission. It provides that every order made by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission may be enforced by the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the State Public Grievance Redressal Commission or the Central Public Grievance Redressal Commission, as the case may be, to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction—(a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or (b) in the case of an order against a public authority being a company, the registered office of the company is situated; or (c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and thereupon, the court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

Clause 50.— This clause provides for protection for act done in good faith. It provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the proposed legislation or any rule made thereunder.

Clause 51.— This clause provides that provisions to be in addition to existing laws. It provides that the provisions of the proposed legislation shall be in addition to and not in derogation of, any other law for the time being in force.

• *Clause 52.*— This clause provides for power to make rules. It provides that the appropriate Government may, by notification, make rules for carrying out the provisions of the proposed legislation. It further specifies the matters in respect of which such rules may be made.

Clause 53.— This clause provides for laying of rules. It provides that every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament and every rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

Clause 54.— This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation as may appear to it to be necessary for removing the difficulty and no order shall be made under this section after the expiry of two years from the commencement of the proposed legislation and every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 6 of the Bill requires every Public Authority to establish an Information and Facilitation Centre and sub-clause (2), thereof requires every Head of Department of the Public Authority to develop, improve, modernise and reform the service delivery and grievance redress system, including adoption of electronic modes, internet, etc.

2. Clause 30 of the Bill provides for the establishment of an institution to be called the 'Central Public Grievance Redressal Commission' to exercise the jurisdiction, powers and authority as may be conferred by the Act.

3. Sub-clause (a) of clause 31 provides that the Central Public Grievance Redressal Commission shall consist of the Chief Public Grievance Redressal Commissioner and such number of Central Public Grievance Redress Commissioners, not exceeding ten, as may be prescribed, sub-clause (3) of clause 35 of the Bill providing that the salary and allowances payable to and other terms and conditions of service of the Chief Public Grievance Redress Commissioner shall be the same as that of the Chief Election Commissioner, and that of Central Public Grievance Redress Commissioners shall be the same as that of an Election Commissioner.

4. Sub-clause (1) of clause 35 of the said Bill provides for appointment of other officers and employees as required for the discharge of the functions of the Central Public Grievance Redress Commission.

5. At this stage, it is not possible to give precise details or estimates of the expenditure to be incurred either by the Central Public Grievance Redressal Commission. It is however, expected that the Bill, if enacted and brought into operation, would involve a Non-Plan and Plan expenditure of about eleven crore of rupees for 2012-13.

6. The expenses of the Central Public Grievance Redressal Commission including the salaries, allowances, and pensions payable to or in respect of the Chief Public Grievance Commissioner, other Commissioners and other officers or staff of the Central Public Grievance Redressal Commission, shall be borne from the Consolidated Fund of India, and any fees and other moneys taken by the Central Public Grievance Redressal Commission shall form part of the Fund.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 52 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the proposed legislation. Sub-clause (2) of the said clause specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include—(a) other information under item (g) of sub-clause (2) of clause 4; (b) matters in relation to Citizen's Charter under sub-clause (3) of clause 4; (c) matter in relation to the information and facilitation centre under sub-clause (3) of clause 6; (d) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-clause (1) of clause 7; (e) the other means by which complaints may be made under clause 8; (f) the other matters for which the designated authority shall have power under item (g) of sub-clause (4) of clause 11; (g) the number of Commissioners of the State Public Grievance Redressal Commission under item (b) of clause 14; (h) the members of the search committee under sub-clause (2) of clause 15; (i) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the State Public Grievance Redressal Commission under proviso to clause 16; (j) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners, of, the State Public Grievance Redressal Commission under sub-clause (3) of clause 20; (k) the other matters for which the State Public Grievance Redressal Commission shall have power under item (g) of sub-clause (1) of clause 21; (l) the number of Commissioners of the Central Public Grievance Redressal Commission under item (b) of clause 31; (m) the members of the search committee under sub-clause (2) of clause 32; (n) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the Central Public Grievance Redressal Commission under proviso to clause 33; (o) the procedure of investigation of misbehaviour or incapacity for removal of the Chief Commissioners and other Commissioners of, the State Public Grievance Redressal Commission under sub-clause (3) of clause 37; (p) the other matters for which the State Public Grievance Redressal Commission shall have power under item (g) of sub-clause (1) of clause 38; (q) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under sub-clause (2) of clause 46; (r) any other matter which is required to be or may be prescribed under the proposed legislation.

2. Clause 53 of the Bill requires that every rule made by the Central Government shall be laid before each House of Parliament and every rule made by the State Government shall be laid before the State Legislature, as soon as may be after it is made.

3. The matters in respect of which rules may be made are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 129 OF 2011

A Bill to provide for the establishment of an institution of national importance to be known as the Regional Centre for Biotechnology for training and education as a category II institution under the auspice of the United Nations Educational, Scientific and Cultural Organisation, to undertake research in the field of biotechnology and to provide for matters connected therewith or incidental thereto.

WHEREAS the General Conference of the United Nations Educational, Scientific and Cultural Organisation, at its thirty-third session held in Paris, France during the 3rd to 21st October, 2005, decided that a Regional Centre for Biotechnology Training and Education shall be established in India under its auspices;

AND WHEREAS an Agreement for the establishment and operation of the Regional Centre for Biotechnology Training and Education in India was entered between the Government of India and the United Nations Educational, Scientific and Cultural Organisation on the 14th day of July, 2006 to give effect to the aforesaid decision;

AND WHEREAS it is expedient to make provisions for giving effect to the said Agreement for establishment of an institution to be known as the Regional Centre for Biotechnology Training and Education in India and declare it to be an institution of national importance.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Regional Centre for Biotechnology Act, 2011.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "academic staff" means Professors, Assistant Professors, Associate Professors, Deans, Sub-Deans, Executive Director and such other persons as may be appointed or engaged for imparting education, training or conducting research in the Regional Centre for Biotechnology or in any institution recognised by the Regional Centre for Biotechnology;

(b) "Board of Governors" means the Board of Governors constituted under sub-section (1) of section 14;

(c) "Board of Studies" means the Board of Studies of the Regional Centre referred to in section 19;

(d) "Chairperson" means the Chairperson of the Board of Governors;

(e) "employee" means any person appointed by the Regional Centre and includes academic and other staff of the Regional Centre for Biotechnology;

(f) "Executive Committee" means the Executive Committee of the Regional Centre constituted under section 17;

(g) "Executive Director" means the Executive Director of the Regional Centre appointed under sub-section (1) of section 22;

(h) "existing Regional Centre" means the UNESCO Regional Centre for Biotechnology Training and Education at Faridabad established *vide* Order of the Government of India in the Ministry of Science and Technology, Department of Biotechnology, number BT/MED-II/UNESCO/01/2008, dated the 20th April, 2009;

(i) "Hall" means a unit of residence for the students of the Regional Centre;

(j) "institution" means autonomous organisations conducting research, training or education, supported by the Government or industry, Universities and other similar organisations and recognised by the Regional Centre for the purposes of this Act;

(k) "Programme Advisory Committee" means the Programme Advisory Committee of the Regional Centre constituted under section 16;

(l) "Region" means the countries in the South Asian Association for Regional Cooperation region, and more generally in the Asia region;

(m) "Regional Centre" means the Regional Centre for Biotechnology established under sub-section (1) of section 3;

(n) "Regulations" means Regulations made by any authority of the Regional Centre under section 44, for the time being in force;

(o) "Statutes" means the Statutes of the Regional Centre for the time being in force framed by the Board of Governors under section 41;

(p) "Ordinances" means the Ordinances of the Regional Centre for the time being in force framed by the Programme Advisory Committee under section 43;

(q) "UNESCO" means the United Nations Educational, Scientific and Cultural Organisation.

Establishment
of Regional
Centre for
Biotechnology.

3. (1) The Central Government shall, by notification in the Official Gazette, establish, for the purposes of this Act, an institution to be known as the Regional Centre for Biotechnology in India.

(2) The Regional Centre for Biotechnology shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

(3) The head office of the Regional Centre shall be in the National Capital Region referred to in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985.

2 of 1985.

Declaration
of Regional
Centre for
Biotechnology
as an
institution of
national
importance.

Jurisdiction.

4. Whereas the objects of the institution known as the Regional Centre for Biotechnology are such as to make the institution one of national importance, it is hereby declared that the institution known as the Regional Centre for Biotechnology is an institution of national importance.

5. The jurisdiction of the Regional Centre shall extend to whole of India and to centres established within or outside India.

Objects of
Regional
Centre.

6. The objects of the Regional Centre, shall be—

(a) to disseminate and advance knowledge by providing instructional and research facilities in such branches of biotechnology and related fields as it may deem fit including technology policy development;

(b) to provide capacity-building through education, training, research and development in biotechnology and related academic fields for sustainable development objectives through regional and international cooperation;

(c) to facilitate transfer of knowledge and technology relating to biotechnology at the regional level;

(d) to create a hub of biotechnology expertise in the countries in South Asian Association for Regional Cooperation region, and more generally in the Asia region, and to address human resources needs in the region;

(e) to promote and strengthen international cooperation to improve the social and economic conditions and welfare of the people;

(f) to promote and facilitate a network of satellite centres in the region as well as within India.

Transfer of
assets,
liabilities, etc.,
of existing
Regional
Centre to
Regional
Centre
established
under this Act
and other
provisions,
etc.

7. (1) On and from the date of establishment of the Regional Centre,—

(a) any reference to the existing Regional Centre in any law other than this Act or in any contract or other instruction shall be deemed as a reference to the Regional Centre;

(b) all properties and assets, movable and immovable, of, or belonging to, the existing Regional Centre, shall vest in the Regional Centre;

(c) all rights and liabilities of the existing Regional Centre shall be transferred to, and be the rights and liabilities of, the Regional Centre;

(d) without prejudice to the provisions of clause (c), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the existing Regional Centre immediately before the said date, for or in connection with the purpose of the said existing Regional Centre shall be deemed to have incurred, entered into or engaged to be done by, with or for, the Regional Centre;

(e) all sums of money due to the existing Regional Centre immediately before that date shall be deemed to be due to the Regional Centre;

(f) all suits and other legal proceedings instituted or which could have been instituted by or against the existing Regional Centre immediately before that date may be continued or may be instituted by or against the Regional Centre;

(g) every employee (including those appointed for imparting instruction or giving training or conducting research in the existing Regional Centre) holding any office under the existing Regional Centre or teaching therein immediately before that date shall hold his office in the Regional Centre or continue teaching therein by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Regional Centre had not been established and shall continue to do so as an employee of the Regional Centre or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Regional Centre within such period.

14 of 1947.

(2) Notwithstanding anything in the Industrial Dispute Act, 1947 or in any other law for the time being in force, absorption of any employee by the Regional Centre in its regular service under this section shall not entitle such employee to any compensation under that Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.

8. The functions of the Regional Centre, shall be—

Functions of
Regional
Centre.

(a) to establish infrastructure and technology platforms which are directly relevant to biotechnology education, training and research;

(b) to execute educational and training activities including grant of degrees in research in biotechnology and related fields;

(c) to produce human resource tailored to drive innovation in biotechnology, particularly in areas of new opportunities and to fill talent gap in deficient areas;

(d) to undertake research and development and scientific investigations in collaboration with relevant research centres in the region;

(e) to hold scientific symposia and conferences within India or in the region or outside the region and to conduct short-term and long-term training courses and workshops in all areas of biotechnology;

(f) to collect universally available information with a view to setting up a data bank for bio-information;

(g) to collect and disseminate, through networking, the relevant local knowledge in the field of biotechnology;

(h) to disseminate the outcome of research activities in different countries through the publication of books and articles;

(i) to promote collaborative research and development networking programme in specific areas of biotechnology with national, regional and international networks and promote exchange of scientists, at the regional level having regard to issues pertaining to intellectual property rights of collaborating institutions promoting equitable sharing of benefits with collaborating institutions;

(j) to frame Statutes and Ordinances and to alter, modify or rescind the same.

9. The Regional Centre shall pursue its objects and discharge its functions in close collaboration with other national, regional and international centres (including those located in the member States of the UNESCO).

Regional
Centre to
work in
collaboration
with other
centres of
UNESCO.

10. (1) The Regional Centre shall have the following powers, namely:—

(a) to provide for masters and doctoral degree in biotechnology and related subjects at the interface of varied disciplines including physical, chemical, biological, medical, agricultural and engineering and other relevant sciences as the Regional Centre, from time to time, determine;

(b) to provide for short-term and long-term training courses in biotechnology on specific issues related to the development, extension, implementation and regulation of biotechnology and related areas, as the Statutes may, from time to time, provide;

(c) to organise and undertake extramural studies, training and extension services in biotechnology;

(d) to confer honorary degrees or other distinctions in the manner specified by the Statutes;

(e) to institute Professorships, Associate Professorships, Assistant Professorships and other academic positions, required by the Regional Centre and to appoint or engage persons to such Professorships, Associate Professorships, Assistant Professorships or other academic positions;

(f) to recognise an institution of higher learning within India for the purposes of this Act and to withdraw such recognition in accordance with the norms laid down in the Statutes;

(g) to appoint persons working in any other institution, including those located outside the country, as academic staff of the Regional Centre for a specified period as may be specified by the Statutes;

(h) to create administrative, technical and other posts and to make appointments thereto as may be specified by the Statutes;

(i) to co-operate or collaborate or associate with any institution, including those located outside the country, in such manner and for such purposes as the Regional Centre may determine in accordance with the guidelines specified by the Statutes;

(j) to establish such centres and specialised laboratories or other units for research, development and instruction as are, in the opinion of the Regional Centre, necessary for the furtherance of its objects;

(k) to institute and award fellowships, scholarships, studentships, medals and prizes as may be specified by the Statutes;

(l) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, including those located outside the country, as the Regional Centre may deem necessary as may be specified by the Statutes;

(m) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other stakeholders;

(n) to appoint on contract basis or otherwise Visiting Professors, Honorary Professors, Adjunct Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the Regional Centre;

(o) to determine standards of admission to the Regional Centre, which may include examination, evaluation or any other method of testing;

(p) to demand and receive payment of fees and other charges;

(q) to supervise the residences of the students of the Regional Centre and to make arrangements for promoting their health and general welfare;

(r) to lay down conditions of service of all categories of employees, including their code of conduct;

(s) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be considered necessary by the Regional Centre;

(t) to make arrangements for promoting the health and general welfare of the employees;

(u) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the prior approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the Regional Centre;

(v) to borrow, with the prior approval of the Central Government, on the security of its property of the Regional Centre, money for the purposes of the Regional Centre; and

(w) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) In exercising its powers under sub-section (1), it shall be the endeavour of the Regional Centre to maintain high standards of education, training and research, and the Regional Centre shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admission of students from India and outside India in such manner as may be specified by the Statutes;

(ii) conduct innovative courses and programmes of studies with a provision for periodic review and restructuring; and

(iii) promote e-governance with an effective management information system.

11. The Regional Centre or any institution recognised by it shall be open to persons of either sex and whatever caste, creed, race, ethnicity, nationality or class, and it shall not be lawful for the Regional Centre or such institution to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a member of the academic staff of the Regional Centre or such institution or to hold any other office therein or to be admitted as a student in the Regional Centre or such institution or to enjoy or exercise any privilege thereof.

Regional
Centre open
to all castes,
creed, race or
class.

12. The members of the academic staff and, where applicable, their dependents or members of the family, shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the Regional Centre, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947.

Privileges and
immunities of
academic
staff, etc.

46 of 1947.

13. The following shall be the authorities of the Regional Centre, namely:—

(a) the Board of Governors;

(b) the Programme Advisory Committee;

(c) the Executive Committee;

(d) the Finance Committee; and

(e) such other authorities as may be declared by the Statutes to be the authorities of the Regional Centre.

Authorities of
Regional
Centre.

14. (1) The Board of Governors shall consist of the following members, namely:—

(i) Secretary to the Government of India in the Department of Biotechnology, *ex officio* Chairperson;

Board of
Governors.

(ii) a representative of the Government of India, to be nominated by the Secretary to the Government of India in the Department of Biotechnology who would be an eminent scientist in the relevant field and in the grade not less than that of a Head of an autonomous institution supported by Government of India;

(iii) a representative of the Director-General of UNESCO;

(iv) a representative of each of the other Member States of UNESCO in such manner as may be specified by the Statutes.

(2) The Chairperson of the Programme Advisory Committee shall be a permanent invitee of the Board of Governors.

(3) The Executive Director of the Regional Centre shall be the Convenor of the meetings of the Board of Governors.

(4) Subject to the provisions of this Act, the Board of Governors shall have the following powers and functions, namely:—

(a) to approve the annual plan and budget of the Regional Centre;

(b) to review, from time to time, the broad policies and programmes of the Regional Centre, and to suggest measures for the improvement and development of the Regional Centre;

(c) to consider the annual report and the annual accounts of the Regional Centre and the audit report on such accounts;

(d) to study and approve the internal procedures, including financial procedure and staff regulations of the Regional Centre;

(e) to approve the organisational structure and number of academic staff and other employees at the Regional Centre;

(f) to convene special consultative sessions to which it shall invite, in addition to its own members, the Executive Director of the Regional Centre, and may also invite representatives of other interested countries and international organisations in order to obtain proposals for strengthening the scope of services of the Regional Centre and for carrying out the projects and activities relevant to the Regional Centre, and to expand the fund-raising strategy and capabilities;

(g) to prescribe fees and other charges;

(h) to frame Statutes.

(5) The Chairperson shall ordinarily preside over the meetings of the Board of Governors.

(6) The Board of Governors shall meet at least once in every year or such other time as the Chairperson may decide in such manner as may be specified by the Statutes.

(7) The Board of Governors may evolve its own rules of procedure for the purpose of conducting its meetings and transacting business therein.

Powers and functions of Chairperson.

15. (1) The Chairperson shall exercise and discharge such powers and functions of the Board of Governors as may be delegated by the Board and such other powers and functions as may be specified by the Statutes.

(2) If the Chairperson is not present at a meeting of the Board of Governors, another member of the Board authorised by the Chairperson may preside over the meeting.

Programme Advisory Committee.

16. (1) The Programme Advisory Committee shall be the principal academic body of the Regional Centre and shall, subject to the provisions of this Act, advise planning, execution, review and monitoring of the scientific and academic programmes of the Regional Centre.

(2) The Programme Advisory Committee shall consist of the following persons who shall be eminent experts of international repute in biotechnology relevant to the core activities

of the Regional Centre, namely:—

- (a) a chairperson to be nominated by the Board of Governors;
- (b) two members to be nominated by the UNESCO;
- (c) three members from amongst the member States of UNESCO which provide maximum financial assistance during a period of three years to be nominated by the member States;
- (d) two members having expertise and experience in biotechnology policy and legal matters to be nominated by the Central Government;
- (e) six members from amongst the persons being renowned scientist or academician, to be nominated by the Board of Governors;
- (f) the Executive Director, Member-Secretary *ex officio*.

(3) The Programme Advisory Committee shall be responsible to—

- (a) make recommendations on the matters of planning and coordinating of the education, training and research activities;
- (b) recommend modifications or revision of education, training and research programmes of the Regional Centre and on the reports thereon;
- (c) review annually the programmes of the Regional Centre, evaluate its progress and submit the report thereon;
- (d) consider and report on any matter concerning scientific and technical issues referred to it by the Board of Governors or by the Executive Director;
- (e) perform all such duties and to do all such acts as may be necessary in the furtherance of education, training and research under this Act;
- (f) frame Ordinances;
- (g) perform such other functions as may be specified by the Statutes.

(4) The fees and allowances payable to members of the Programme Advisory Committee and their term of office shall be such as may be specified by the Statutes.

17. (1) The Executive Committee shall be the advisory body for issues concerning the management of the Regional Centre and advise from time to time to the Board of Governors.

Executive Committee.

(2) The constitution of the Executive Committee, the term of office of its members and its powers and functions shall be such as may be specified by the Statutes.

Finance Committee.

18. The constitution, powers and functions of the Finance Committee shall be such as may be specified by the Statutes and the Finance Committee shall report to the Board of Governors.

19. The constitution, powers and functions of the Board of Studies shall be such as may be specified by the Statutes.

Board of Studies.

20. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the Regional Centre, shall be such as may be specified by the Statutes.

Other authorities of Regional Centre.

21. The following shall be the officers of the Regional Centre, namely:—

- (a) the Executive Director;
- (b) the Deans;

Officers of Regional Centre.

- (c) the Associate Deans;
- (d) the Associate Director (Administration);
- (e) the Registrar;
- (f) the Finance Officer; and
- (g) such other officers as may be declared by the Statutes to be the officers of the Regional Centre.

Executive Director.

22. (1) The Executive Director shall be appointed on the recommendation of the Board of Governors in such manner as may be specified by the Statutes.

(2) The Executive Director shall—

- (a) be the principal executive and academic officer of the Regional Centre;
- (b) direct the work of the Regional Centre in conformity with the programmes and directives established by the Board of Governors;
- (c) propose the draft work plan and budget to be submitted to the Board of Governors for approval;
- (d) prepare the agenda for the sessions of the Board of Governors;
- (e) prepare reports on the Regional Centre's activities for submission to the Board of Governors; and
- (f) exercise such other powers and perform such other functions as may be specified by the Statutes.

(3) The financial powers delegated to the Executive Director shall be such as may be specified by the Statutes.

(4) The Executive Director may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the Regional Centre by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter.

Deans and Associate Deans.

23. The Deans and Associate Deans shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Associate Director (Administration).

24. (1) The Associate Director (Administration) shall be appointed in such manner, and on such terms and conditions of service, as may be specified by the Statutes.

(2) The Associate Director (Administration) shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Regional Centre, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Registrar.

25. The Registrar shall be appointed in such manner and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Finance Officer.

26. The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Other officers.

27. The manner of appointment and powers and duties of other officers of the Regional Centre shall be such as may be specified by the Statutes.

Payment to Regional Centre.

28. The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Regional Centre grants and loans of such sums of money and in such manner as that Government may consider necessary for being utilised for the purposes of this Act.

29. (1) The Regional Centre shall maintain a Fund to which there shall be credited—

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Regional Centre;

(c) all moneys received by the Regional Centre by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Regional Centre in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Regional Centre may, with the approval of the Central Government, decide.

(3) The fund shall be applied for meeting—

(a) the salary, allowances and other remuneration of chairperson, members of the Board or committees, or academic staff, officers and other employees, of the Regional Centre or members of other committees set up by it;

(b) the expenses of the Regional Centre in discharge of its function under this Act;

(c) the expenses on objects and for purposes authorised by this Act.

30. (1) The annual report of the Regional Centre shall be prepared under the direction of the Executive Director, which shall include, among other matters, the steps taken by the Regional Centre towards the fulfilment of its objects and shall be submitted to the Board of Governors on or before such date as may be specified by the Statutes and the Board of Governors shall consider the report in its annual meeting.

Annual report.

(2) A copy of the annual report, as prepared under sub-section (1), shall be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

31. (1) The annual accounts and the balance sheet of the Regional Centre shall be prepared under the directions of the Board of Governors and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

Annual accounts.

(2) A copy of the accounts together with the audit report shall be submitted to the Central Government along with the observations, if any, of the Board of Governors.

(3) A copy of the annual report and annual accounts together with the audit report, as submitted to the Central Government shall, as soon as may be, cause to be laid before both Houses of Parliament.

(4) The audited annual accounts, after having been laid before both Houses of Parliament, shall be published in the Gazette of India.

(5) A copy of the audited annual accounts shall also be submitted to the Member States.

32. The Regional Centre shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

Returns and information.

33. (1) There shall be a review of the functioning of the Regional Centre once in every four years by persons of eminence to be appointed by the Central Government.

Review of functioning of Regional Centre.

(2) The Regional Centre shall meet the expenses for conducting the review under sub-section (1) and upon receipt of the report of such review, the Board of Governors may take appropriate action.

(3) In addition to the review under sub-section (1), the Board of Governors may conduct review of functioning of administrative and academic wings of the Regional Centre, in such manner and at such intervals, as may be specified by the Statutes.

Appointment of staff of Regional Centre.

34. All appointments of the staff of the Regional Centre (except appointment of the Executive Director), shall be made in accordance with the procedure laid down in the Statutes, by—

- (a) the Board of Governors for the academic staff;
- (b) the Executive Director, in any other case.

Conditions of service.

35. (1) Every employee of the Regional Centre shall be appointed on contractual basis under a written contract, which shall be lodged with the Regional Centre and a copy of which shall be furnished to the employee concerned.

(2) The Regional Centre shall have a flexible compensation system which recognises performance, as laid down in the Statutes, to bring the best talent in the Regional Centre.

Arbitration.

36. (1) Any dispute arising out of a contract between the Regional Centre and any of its employees shall, at the first instance, be resolved through such grievance redressal mechanism as may be specified by Statutes.

(2) If the dispute referred to in sub-section (1) is not resolved through the grievance redressal mechanism, the same shall, at the request of the employee concerned or at the instance of the Regional Centre, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Director, one member nominated by the employee, and such two arbitrators shall appoint the third arbitrator who shall act as the Presiding arbitrator.

(3) The arbitration under sub-section (1) shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

26 of 1996.

Meetings.

37. The meetings of the Board of Governors, Programme Advisory Committee, Executive Committee or other committees constituted by the Regional Centre may be held using contemporary tools of information and communication technologies (including video conferencing) without the members necessarily having to be physically present.

Filling of casual vacancies.

38. All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the Regional Centre shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings of authorities or bodies not invalidated by vacancies.

39. No act or proceedings of any authority or other body of the Regional Centre shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Protection of action taken in good faith.

40. No suit or other legal proceedings shall lie against any officer or other employee of the Regional Centre for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes, Ordinances and Regulations made thereunder.

Statutes.

41. (1) The Statutes of the Regional Centre shall be enacted by the Board of Governors.

(2) Without prejudice to the provisions contained in sub-section (1), the Executive Committee may make recommendations for enactment of Statutes to the Board.

(3) The Board of Governors may, from time to time, make new Statutes or may amend or repeal the Statutes with effect from such date, not earlier than the date of commencement of this Act, as it may direct.

42. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Matters to be provided by Statutes.

(a) the constitution, powers and functions of authorities, term of office of its member and other bodies of the Regional Centre, as may be constituted from time to time;

(b) the manner of nomination of representative of the Member States of UNESCO in the Board of Governors;

(c) other powers and functions of the Chairperson of the Board of Governors; the other functions of the Programme Advisory Committee, and term of office of its members; the constitution, powers and functions of the Finance Committee, the Board of Studies and constitution, powers and functions of other authorities;

(d) the manner of appointment of Executive Director, his other powers and other duties, financial powers to be delegated to the Executive Director and the manner of appointment, powers and duties of the officers of the Regional Centre and their emoluments;

(e) the time and date for submission of annual report of the Regional Centre; manner of conducting review of functioning of administrative and academic wings of the Regional Centre;

(f) the appointment of regular academic staff and other employees of the Regional Centre, their emoluments and conditions of service, flexible compensation system, their benefits and privileges, including principles governing the seniority of service, age of superannuation, provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action consistent with such staff engaged in higher education and research at Central Universities;

(g) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations;

(h) creation, composition and functions of any other body which is considered necessary for improving the academic life of the Regional Centre;

(i) conferment of honorary degrees and distinctions;

(j) delegation of powers vested in the authorities or officers of the Regional Centre;

(k) the terms and conditions of service for engagement of experts as adjunct and visiting faculty;

(l) the terms and conditions of service for hiring appropriate human resource, Indian or foreign, especially at higher levels in specific areas, with fixed tenure, not exceeding three years at a time and with higher compensation, with the approval of the Board of Governors;

(m) grievance redressal mechanism for resolution of disputes arising out of a contract between the Regional Centre and any of its employees;

(n) the manner of making Regulations by any of the authorities of the Regional Centre;

(o) the manner of recognition of institutions to be affiliated with the Regional Centre and grounds for withdrawal of recognition thereof;

(p) any other matter which may be required or necessary for the purposes of this Act.

Ordinances.

43. (1) Subject to the provisions of this Act and the Statutes, the Ordinances of the Regional Centre may provide for all or any of the following matters, namely:—

- (a) admission of students from within India and from the Region to the Regional Centre and their enrolment as such;
- (b) the course of study;
- (c) the conditions under which students shall be admitted and shall be eligible for degrees, diplomas and certificates and to the examinations of the Regional Centre, and shall be eligible for the degrees, diplomas and certificates;
- (d) the conditions of award of the fellowships, scholarships, medals and prizes;
- (e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators;
- (f) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (g) the conditions of residence of the students of the Regional Centre;
- (h) the maintenance of discipline among the employees and students;
- (i) the courses of study to be laid down for all degrees, diplomas and certificates of the Regional Centre including the medium of instruction and examination;
- (j) the award of degrees and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same; the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (k) fees to be charged for courses of study in the Regional Centre and for admission to examinations, degrees and diplomas of the Regional Centre;
- (l) institution of and conditions for award of fellowships, scholarships, studentships, medals and prizes;
- (m) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;
- (n) establishment, management and abolition of Centres of Studies, Schools, Departments, Specialised Laboratories, Halls and Institutions;
- (o) any other matter which by this Act or the Statute, is to be, or, may be, provided for by the Ordinances.

(2) Save as otherwise provided in this section, Ordinances shall be made by the Programme Advisory Committee.

(3) All Ordinances made by the Programme Advisory Committee shall have the effect from such date as it may direct.

(4) The Programme Advisory Committee shall have the power by resolution to modify or cancel any of its Ordinances and such Ordinances shall, from the date of such resolution stand modified accordingly or cancelled, as the case may be.

Regulations.

44. The authorities of the Regional Centre may make Regulations, consistent with the provisions of this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner specified by the Statutes.

45. (1) Every Statute or Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute or Ordinance or Regulation made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute or Ordinance or Regulation or both Houses agree that the Statute or Ordinance or Regulation should not be made, the Statute or Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute or Ordinance or Regulation.

Statutes,
Ordinances
and
Regulations to
be published in
the Official
Gazette and to
be laid before
Parliament.

(3) The power to make Statutes or Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes or Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes or Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances or Regulations may be applicable.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Modern biotechnology has been recognised globally as a rapidly advancing science wherein molecular techniques and processes are employed to develop health care solutions for human and animal sector, for agriculture and environment technologies. This would require creation of high quality human resource in disciplinary and interdisciplinary areas by engaging students in research by integrating science, engineering and medicine. Similarly, interface amongst agriculture or veterinary sciences and engineers and environmental biologists, ecologists and engineers for agricultural and environmental technologies respectively would also be necessary for molecular breeding, bio-energy and green technologies. For this purpose, it is necessary to create physical infrastructure in critical platform technologies to support interdisciplinary education training and research in biotechnology.

2. The General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), at its thirty-third session held in Paris, France during the 3rd to 21st October, 2005, decided that a Regional Centre for Biotechnology Training and Education shall be established in India under its auspices. An Agreement for the establishment and operation of the Regional Centre for Biotechnology Training and Education in India was entered between the Government of India and the United Nations Educational, Scientific and Cultural Organisation on the 14th day of July, 2006 to give effect to the aforesaid decision. The Regional Centre for Biotechnology shall be an autonomous institution and pursue its objects and discharge its functions in close collaboration with other national, regional and international centres (including those located in the member States of the UNESCO). The UNESCO shall provide technical assistance as and when required and as appropriate for the establishment and operation of the Regional Centre including assistance in the formulation of the short-term, medium-term and long-term programmes of the Regional Centre.

3. In view of the aforesaid, it is expedient to enact a law for giving effect to the said Agreement for establishment of an institution of national importance to be known as the Regional Centre for Biotechnology for training and education as a Category II Centre under the auspice of the United Nations Educational, Scientific and Cultural Organisation, to undertake research in the field of biotechnology and to provide for matters connected therewith or incidental thereto. The Regional Centre for Biotechnology Bill, 2011, *inter alia*, provides for the following, namely:—

(a) establishment of the Regional Centre for Biotechnology and to declare it as an institution of the national importance;

(b) to make provision for objects of the Regional Centre for Biotechnology, *inter alia*,—

(i) to provide for masters and doctoral degree in biotechnology and related subjects at the interface of varied disciplines including the physical, chemical, biological, medical, agricultural and engineering and other relevant sciences as the Regional Centre may, from time to time, determine;

(ii) to provide for short-term and long-term training courses in biotechnology on specific issues related to the development, extension, implementation and regulation of biotechnology and related areas, as the Statutes may, from time to time, require;

(iii) to organise and undertake extramural studies, training and extension services in biotechnology;

(iv) to institute Professorships, Associate Professorships, Assistant Professorships and other academic positions, required by the Regional Centre and to appoint or engage persons to such Professorships, Associate Professorships, Assistant Professorships or other academic positions;

(v) to recognise an institution of higher learning within India for the purposes of this Act and to withdraw such recognition in accordance with the norms laid down in the Statutes;

(vi) to appoint persons working in any other institution, including those located outside the country, as academic staff of the Regional Centre for a specified period as may be specified by the Statutes;

(vii) to create administrative, technical and other posts and to make appointments thereto as may be specified by the Statutes;

(viii) to co-operate or collaborate or associate with any institution, including those located outside the country, in such manner and for such purposes as the Regional Centre may determine in accordance with the guidelines specified by the Statutes;

(ix) to establish such centres and specialised laboratories or other units for research, development and instruction as are, in the opinion of the Regional Centre, necessary for the furtherance of its objects;

(c) constitution of the Board of Governors, the Programme Advisory Committee, the Executive Committee, the Finance Committee, the Board of Studies and other authorities for the purpose of the proposed legislation;

(d) to provide for the members of the academic staff and, where applicable, their dependents or members of the family, such privileges and immunities as the Central Government may, after entering into an agreement with the Regional Centre, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947;

(e) make provisions for appointment of officers and staff of the Regional Centre and defining their powers, duties and conditions of service;

(f) confer power upon the Central Government to review the functioning of the Regional Centre for Biotechnology once in every four years by persons of eminence to be appointed by it;

(g) make provision for arbitration of disputes arising out of a contract between the Regional Centre and any of its employees, at the first instance, to be resolved through such grievance redressal mechanism as may be specified by Statutes;

(h) confer power upon the Board of Governors to enact Statutes of the Regional Centre and Ordinances to be made by the Programme Advisory Committee and Regulations by the authorities of the Regional Centre;

4. The notes on clauses explain in detail various provisions in the Bill.

5. The Bill seeks to achieve the above objectives.

**PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA**

[Copy of the letter No. BT/Med/RCB/AP/2010, dated 15-12-2011 from Shri Vilasrao Deshmukh, Minister of Science and Technology and Earth Sciences to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Regional Centre for Biotechnology Bill, 2011 recommends the introduction and consideration of the Bill under article 117(1) and (3) of the Constitution.

Notes on clauses

Clause 1.— This clause provides for short title and commencement. It provides that the proposed legislation shall come into force on such date as the Central Government may appoint by notification in the Official Gazette.

Clause 2.—This clause seeks to define certain expressions used in the proposed legislation. These definitions, *inter alia*, include “academic staff”, “Board of Governors”, “Board of Studies”, “Chairperson”, “employee”, “Hall” and “Region”, etc.

Clause 3.—This clause provides for the establishment of an institution to be known as the Regional Centre for Biotechnology which shall be a body corporate having perpetual succession and a common seal with power to contract. The head office of the Regional Centre to be in the National Capital Region.

Clause 4.—This clause provides for the declaration of the Regional Centre for Biotechnology as an institution of national importance.

Clause 5.—This clause provides for the jurisdiction of the Regional Centre which shall extend to whole of India and to centres established within or outside India.

Clause 6.— This clause specifies the objects of the Regional Centre. It, *inter alia*, provides that the Regional Centre shall disseminate and advance knowledge by providing instructional and research facilities in such branches of biotechnology and related fields as it may deem fit including technology policy development; provide capacity-building through education, training, research and development in biotechnology and related academic fields for sustainable development objectives through regional and international cooperation; facilitate transfer of knowledge and technology relating to biotechnology at the regional level and create a hub of biotechnology expertise in the countries in South Asian Association for Regional Cooperation region, and more generally in the Asia region, and to address human resources needs in the region; and promote and strengthen international cooperation to improve the social and economic conditions and welfare of the people and promote and facilitate a network of satellite centres in the region as well as within India.

Clause 7.—This clause provides for the transfer of assets, liabilities, etc., of the existing Regional Centre to the Regional Centre for Biotechnology established under the proposed legislation.

It provides that any reference to the existing Regional Centre in any law other than this Act or in any contract or other instruction shall be deemed as a reference to the Regional Centre; all properties and assets, movable and immovable, of, or belonging to, the existing Regional Centre, shall vest in the Regional Centre; all rights and liabilities of the existing Regional Centre shall be transferred to, and be the rights and liabilities of, the Regional Centre.

It further provides that all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the existing Regional Centre or in connection with the purpose of the existing Regional Centre shall be deemed to have incurred, entered into or engaged to be done by, with or for, the Regional Centre established under the proposed legislation.

It also provides that all sums of money due to the existing Regional Centre shall be deemed to be due to the Regional Centre established under the proposed legislation and all suits and other legal proceedings instituted or which could have been instituted by or against the existing Regional Centre may be continued or may be instituted by or against the Regional Centre established under the proposed legislation.

It also provides that every employee (including those appointed for imparting instruction or giving training or conducting research in the existing Regional Centre) holding any office under the existing Regional Centre or teaching therein immediately before that date shall hold his office in the Regional Centre established under the proposed legislation or continue teaching therein by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Regional Centre had not been established under the proposed legislation and shall continue to do so as an employee of the Regional Centre or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Regional Centre established under the proposed legislation.

It also provides that absorption of any employee by the Regional Centre established under the proposed legislation in its regular service shall not entitle such employee to any compensation under any Act or law and no such claim shall be entertained by any court, tribunal or other authority.

Clause 8.—This clause provides for the functions of the Regional Centre. It, *inter alia*, provides that the Regional Centre shall establish infrastructure and technology platforms which are directly relevant to biotechnology education, training and research; execute educational and training activities including grant of degrees in research in biotechnology and related fields; produce human resource tailored to drive innovation in biotechnology, particularly in areas of new opportunities and to fill talent gap in deficient areas; undertake research and development and scientific investigations in collaboration with relevant research centres in the region; hold scientific symposia and conferences within India or in the region or outside the region and conduct short-term and long-term training courses and workshops in all areas of biotechnology; collect universally available information with a view to setting up a data bank for bio-information; collect and disseminate, through networking, the relevant local knowledge in the field of biotechnology; disseminate the outcome of research activities in different countries through the publication of books and articles; promote collaborative research and development networking programme in specific areas of biotechnology with national, regional and international networks and promote exchange of scientists, at the regional level having regard to issues pertaining to intellectual property rights of collaborating institutions promoting equitable sharing of benefits with collaborating institutions; frame Statutes and Ordinances and alter, modify or rescind the same.

Clause 9.—This clause provides that the Regional Centre shall pursue its objects and discharge its functions in close collaboration with other national, regional and international centres (including those located in the member States of the UNESCO).

Clause 10.—This clause lays down the powers of the Regional Centre. It, *inter alia*, provides that the Regional Centre shall have power to conduct courses leading to masters and doctoral degree in biotechnology and related subjects at the interface of varied disciplines including physical, chemical, biological, medical, agricultural and engineering and other relevant sciences; to provide for short-term and long-term training courses in biotechnology on specific issues related to the development, extension, implementation and regulation of biotechnology and related areas; organise and undertake extramural studies, training and extension services in biotechnology; confer honorary degrees or other distinctions in the manner specified by the Statutes; institute Professorships, Associate Professorships, Assistant Professorships and other academic positions, required by the Regional Centre and to appoint or engage persons to such Professorships, Associate Professorships, Assistant Professorships or other academic positions; recognise an institution of higher learning within India for the purposes of this Act and withdraw such recognition in accordance with the norms laid down in the Statutes; appoint persons working in any other institution, including those located outside the country, as academic staff of the Regional Centre for a specified period as may be specified by the Statutes; create administrative, technical and other posts and to make appointments thereto as may be specified by the Statutes; co-operate or collaborate or associate with any institution, including those located outside

the country, in such manner and for such purposes as the Regional Centre may determine in accordance with the guidelines specified by the Statutes; establish such centres and specialised laboratories or other units for research, development and instruction as are, in the opinion of the Regional Centre, necessary for the furtherance of its objects; institute and awards fellowships, scholarships, studentships, medals and prizes as may be specified by the Statutes; to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, including those located outside the country, as the Regional Centre may deem necessary as may be specified by the Statutes; to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other stakeholders; to appoint on contract basis or otherwise visiting Professors, Honorary Professors, Adjunct Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the Regional Centre; to determine standards of admission to the Regional Centre, which may include examination, evaluation or any other method of testing; to demand and receive payment of fees and other charges; to supervise the residences of the students of the Regional Centre and to make arrangements for promoting their health and general welfare; to lay down conditions of service of all categories of employees, including their code of conduct; to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be considered necessary by the Regional Centre; to make arrangements for promoting the health and general welfare of the employees; to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the prior approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the Regional Centre; to borrow, with the prior approval of the Central Government, on the security of its property of the Regional Centre, money for the purposes of the Regional Centre; and to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

It further provides that the Regional Centre shall maintain high standards of education, training and research, and take measures for admission of students from India and outside India in such manner as may be specified by the Statutes; conduct innovative courses and programmes of studies with a provision for periodic review and restructuring; and promote e-governance with an effective management information system.

Clause 11.—This clause lays down that the Regional Centre or any institution recognised by it shall be open to all castes, creed, race or class.

Clause 12.—This clause provides for the privileges and immunities of academic staff, etc. It provides that the members of the academic staff and, where applicable, their dependents or members of the family, shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the Regional Centre, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947.

Clause 13.—This clause provides for the Authorities of the Regional Centre. It provides that the Board of Governors; the Programme Advisory Committee; the Executive Committee; the Finance Committee; and such other authorities as may be declared by the Statutes to be the authorities shall be the authorities of the Regional Centre.

Clause 14.—This clause provides for the Board of Governors. It provides that the Board of Governors shall consist of the Secretary to the Government of India in the Department of Biotechnology, as *ex officio* Chairperson; and a representative of the Government of India, to be nominated by the Secretary to the Government of India in the Department of Biotechnology who would be an eminent scientist in the relevant field and in the grade not less than that of a Head of an autonomous institution supported by Government of India; a representative of the Director-General of UNESCO; a representative of each of the other Member States of UNESCO in such manner as may be specified by the Statutes.

It further provides that the Chairperson of the Programme Advisory Committee shall be a permanent invitee of the Board of Governors and the Executive Director of the Regional Centre be the Convenor of the meetings of the Board of Governors.

It also provides that the Board of Governors shall approve the annual plan and budget of the Regional Centre; review, from time to time, the broad policies and programmes of the Regional Centre, and suggest measures for the improvement and development of the Regional Centre; consider the annual report and the annual accounts of the Regional Centre and the audit report on such accounts; study and approve the internal procedures, including financial procedure and staff regulations of the Regional Centre; approve the organisational structure and number of academic staff and other employees at the Regional Centre; convene special consultative sessions to which it shall invite, in addition to its own members, the Executive Director of the Regional Centre, and may also invite representatives of other interested countries and international organisations in order to obtain proposals for strengthening the scope of services of the Regional Centre and for carrying out the projects and activities relevant to the Regional Centre, and expand the fund-raising strategy and capabilities; prescribe fees and other charges, and frame Statutes.

It also provides that the Chairperson shall ordinarily preside over the meetings of the Board of Governors and that the Board of Governors shall meet at least once in every year or such other time as the Chairperson may decide in such manner as may be specified by the Statutes. It also lays down that the Board of Governors may evolve its own rules of procedure for the purpose of conducting its meetings and transacting business therein.

Clause 15.—This clause provides for the powers and functions of the Chairperson. It provides that the Chairperson shall exercise and discharge such powers and functions of the Board of Governors as may be delegated by the Board and such other powers and functions as may be specified by the Statutes. It further provides that if the Chairperson is not present at a meeting of the Board of Governors, another member of the Board authorised by the Chairperson may preside over the meeting.

Clause 16.—This clause provides that the Programme Advisory Committee shall be the principal academic body of the Regional Centre to advise planning, execution, review and monitoring of the scientific and academic programmes of the Regional Centre.

It further provides for the constitution of the Programme Advisory Committee with a Chairperson to be nominated by the Board of Governors; two members to be nominated by the UNESCO; three members from amongst the member States of UNESCO which provide maximum financial assistance during a period of three years to be nominated by the member States; two members having expertise and experience in biotechnology policy and legal matters to be nominated by the Central Government; six members from amongst the persons being renowned scientist or academician, to be nominated by the Board of Governors; and the Executive Director, Member, Secretary *ex officio*.

It also provides for the responsibilities of the Programme Advisory Committee which include making recommendations on the matters of planning and coordinating of the education, training and research activities; recommending modifications or revision of education, training and research programmes of the Regional Centre and on the reports thereon; reviewing annually the programmes of the Regional Centre, evaluating its progress and submitting the report thereon; considering and reporting on any matter concerning scientific and technical issues referred to it by the Board of Governors or by the Executive Director; performing all such duties and to do all such acts as may be necessary in the furtherance of education, training and research under this Act; framing Ordinances; and performing such other functions as may be specified by the Statutes.

It also provides that the fees and allowances payable to members of the Programme Advisory Committee and their term of office shall be such as may be specified by the Statutes.

Clause 17.—This clause provides that the Executive Committee shall be the advisory body for issues concerning the management of the Regional Centre and advise from time to time to the Board of Governors.

It further provides that the constitution of the Executive Committee, the term of office of its members and its powers and functions shall be such as may be specified by the Statutes.

Clause 18.—This clause provides that the constitution, powers and functions of the Finance Committee shall be such as may be specified by the Statutes and the Finance Committee shall report to the Board of Governors.

Clause 19.—This clause provides that the constitution, powers and functions of the Board of Studies shall be such as may be specified by the Statutes.

Clause 20.—This clause provides that the constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the Regional Centre, shall be such as may be specified by the Statutes.

Clause 21.—This clause provides for the officers of the Regional Centre. It provides that the Executive Director; the Deans; the Associate Deans; the Associate Director (Administration); the Registrar; the Finance Officer; and such other officers as may be declared by the Statutes to be the officers of the Regional Centre.

Clause 22.—This clause provides that the Executive Director shall be appointed on the recommendation of the Board of Governors in such manner as may be specified by the Statutes.

It further provides that the Executive Director shall be the principal executive and academic officer of the Regional Centre and direct the work of the Regional Centre in conformity with the programmes and directives established by the Board of Governors. It further lays down that he shall propose the draft work plan and budget to be submitted to the Board of Governors for approval and prepare the agenda for the sessions of the Board of Governors. It also lays down that the Executive Director shall prepare reports on the Regional Centre's activities for submission to the Board of Governors and exercise such other powers and perform such other functions as may be specified by the Statutes.

It also provides that the financial powers delegated to the Executive Director shall be such as may be specified by the Statutes and that the Executive Director may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the Regional Centre by or under the proposed legislation and shall report to such authority at its next meeting the action taken by him on such matter.

Clause 23.—This clause provides for Dean and Associate Deans. It provides that the Deans and Associate Deans shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Clause 24.—This clause provides Associate Director (Administration). It provides that the Associate Director (Administration) shall be appointed in such manner, and on such terms and conditions of service, as may be specified by the Statutes and that the Associate Director (Administration) shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Regional Centre, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Clause 25.—This clause provides that the Registrar shall be appointed in such manner and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Clause 26.—This clause provides that the Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

Clause 27.—This clause provides that the manner of appointment and powers and duties of other officers of the Regional Centre shall be such as may be specified by the Statutes.

Clause 28.—This clause makes provision for payment to the Regional Centre. It provides that the Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Regional Centre grants and loans of such sums of money and in such manner as that Government may consider necessary for being utilised for the purposes of the proposed legislation.

Clause 29.—This clause makes provision for Fund of the Regional Centre. It provides that the Regional Centre shall maintain a Fund to which there shall be credited all moneys provided by the Central Government; all fees and other charges received by the Regional Centre; all moneys received by the Regional Centre by way of grants, gifts, donations, benefactions, bequests or transfers; and all moneys received by the Regional Centre in any other manner or from any other source.

It further provides that all moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Regional Centre may, with the approval of the Central Government, decide.

It also provides that the fund shall be applied for meeting the salary, allowances and other remuneration of Chairperson, members, of the Board or committees, or academic staff, officers and other employees, of the Regional Centre or members of other committees set up by it; the expenses of the Regional Centre in discharge of its function under the proposed legislation; and the expenses on objects and for purposes authorised by the proposed legislation.

Clause 30.—This clause provides for annual reports of the Regional Centre. It provides that the annual report of the Regional Centre shall be prepared under the direction of the Executive Director, which shall include, among other matters, the steps taken by the Regional Centre towards the fulfilment of its objects and shall be submitted to the Board of Governors on or before such date as may be specified by the Statutes and the Board of Governors shall consider the report in its annual meeting.

It further provides that a copy of the annual report shall be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

Clause 31.—This clause provides for annual accounts. It provides that the annual accounts and the balance sheet of the Regional Centre shall be prepared under the directions of the Board of Governors and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

It further provides that a copy of the accounts together with the audit report shall be submitted to the Central Government along with the observations, if any, of the Board of Governors.

It also provides that a copy of the annual report and annual accounts together with the audit report, as submitted to the Central Government shall, as soon as may be, cause to be laid before both Houses of Parliament.

It also provides that the audited annual accounts, after having been laid before both Houses of Parliament, shall be published in the Gazette of India and a copy of the audited annual accounts shall also be submitted to the Member States.

Clause 32.—This clause provides for returns and information. It provides that the Regional Centre shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

Clause 33.—This clause provides for review of the functioning of the Regional Centre. It provides that the functioning of the Regional Centre shall be reviewed once in every four years by persons of eminence to be appointed by the Central Government.

It further provides that the Regional Centre shall meet the expenses for conducting the review and upon receipt of the report of such review, the Board of Governors may take appropriate action.

It also provides that in addition to the aforesaid, the Board of Governors may conduct review of functioning of administrative and academic wings of the Regional Centre, in such manner and at such intervals, as may be specified by the Statutes.

Clause 34.—This clause provides for the appointment of staff of Regional Centre. It provides that the appointments shall be made in accordance with the procedure laid down in the Statutes, by the Board of Governors for the academic staff; and the Executive Director, in any other case.

Clause 35.—This clause lays down the conditions of service of the employees. It provides that every employee shall be appointed on contractual basis under a written contract, which shall be lodged with the Regional Centre and a copy of which shall be furnished to the employee concerned.

It further provides that the Regional Centre shall have a flexible compensation system which recognises performance, as laid down in the Statutes, to bring the best talent in the Regional Centre.

Clause 36.—This clause makes provision for arbitration. It provides that any dispute arising out of a contract between the Regional Centre and any of its employees shall, at the first instance, be resolved through such grievance redressal mechanism as may be specified by the Statutes.

It further provides that if the dispute is not resolved through the grievance redressal mechanism, the same shall, at the request of the employee concerned or at the instance of the Regional Centre, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Director, one member nominated by the employee, and such two arbitrators shall appoint the third arbitrator who shall act as the Presiding arbitrator.

It also provides that the arbitration shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

Clause 37.—This clause provides that the meetings of the Board of Governors, Programme Advisory Committee, Executive Committee or other committees constituted by the Regional Centre may be held using contemporary tools of information and communication technologies (including video conferencing) without the members necessarily having to be physically present.

Clause 38.—This clause provides that all casual vacancies among the members (other than *ex officio* members) of any authority or other body of the Regional Centre shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Clause 39.—This clause provides that no act or proceedings of any authority or other body of the Regional Centre shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Clause 40.—This clause provides that no suit or other legal proceedings shall lie against any officer or other employee of the Regional Centre for anything which is in good faith done or intended to be done in pursuance of any of the provisions of the proposed legislation, the Statutes, Ordinances and Regulations made thereunder.

Clause 41.—This clause provides for Statutes. It provides that the Statutes of the Regional Centre shall be enacted by the Board of Governors.

It further provides that the Executive Committee may make recommendations for enactment of Statutes to the Board.

It also provides that the Board of Governors may, from time to time, make new Statutes or may amend or repeal the Statutes with effect from such date, not earlier than the date of commencement of the proposed legislation, as it may direct.

Clause 42.—This clause specifies the matters to be provided by Statutes.

Clause 43.—This clause provides for Ordinances. It specifies the matters which may be provided in the Ordinances. It further provides that the Ordinances made by the Programme Advisory Committee and that the Ordinances shall have the effect from such date as it may direct.

It also provides that the Programme Advisory Committee shall have the power by resolution to modify or cancel any of its Ordinances and such Ordinances shall, from the date of such resolution stand modified accordingly or cancelled, as the case may be.

Clause 44.—This clause provides for Regulations. It provides that the authorities of the Regional Centre may make Regulations, consistent with the provisions of the proposed legislation, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by the proposed legislation, the Statutes or the Ordinances, in the manner specified by the Statutes.

Clause 45.—This clause provides that every Statute or Ordinance or Regulation made under the proposed legislation shall be published in the Official Gazette and shall be laid, as soon as may be after it is made, before each House of Parliament.

It further provides that the power to make Statutes or Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of the proposed legislation, to the Statutes or Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes or Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances or Regulations may be applicable.

Clause 46.—This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of the proposed legislation, as appear to it to be necessary or expedient for removing the difficulty.

It further provides that no such order shall be made under this clause after the expiry of two years from the commencement of the proposed legislation.

It also provides that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides that the Central Government shall establish an institution to be known as the Regional Centre for Biotechnology. Sub-clause (4) of clause 16 provides that the fees and allowances payable to members of the Programme Advisory Committee and their term of office shall be such as may be specified by the Statutes.

2. Clause 28 of the Bill provides that the Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Regional Centre for Biotechnology grants and loans of such sums of money and in such manner as that Government may consider necessary for being utilised for the purposes of the proposed legislation. Clause 29 of the Bill provides for the maintenance of a Fund to which,—(a) all moneys provided by the Central Government; (b) all fees and other charges received by the Regional Centre; (c) all moneys received by the Regional Centre by way of grants, gifts, donations, benefactions, bequests or transfers; and (d) all moneys received by the Regional Centre in any other manner or from any other source, shall be credited. Sub-clause (3) of clause 29 of the Bill provides that the Fund shall be applied for meeting the salary, allowances and other remuneration of Chairperson, Members of the Board or Committees or academic staff, officers and other employees of the Regional Centre or Members of other Committees set up by it and for meeting the expenses of the Regional Centre in discharge of its functions as specified under the proposed legislation.

3. The one-time capital investment for setting up the Regional Centre for Biotechnology is estimated to be 53.11 crore rupees. The recurring expenditure on manpower requirements, consumables, office expenses, fellowship, meetings, travel, etc., is estimated to be in the range of 15 crore rupees per year. The expenditure is to be borne by the Central Government.

4. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 41 and item (h) of sub-clause (4) of clause 14 empowers the Board of Governors of the Regional Centre for Biotechnology to enact Statutes. Clause 42 specifies the matters in respect of which such Statutes may be made. These matters, *inter alia*, include (a) the constitution, powers and functions of authorities, term of office of its member and other bodies of the Regional Centre; (b) the manner of nomination of representative of the Member States of UNESCO in the Board of Governors; (c) other powers and functions of the Chairperson of the Board of Governors; the other functions of the Programme Advisory Committee, and term of office of its members; the constitution, powers and functions of the Finance Committee, the Board of Studies and constitution, powers and functions of other authorities; (d) the manner of appointment of Executive Director, his other powers and other duties, financial powers to be delegated to the Executive Director and the manner of appointment, powers and duties of the officers of the Regional Centre and their emoluments; (e) the time and date for submission of annual report of the Regional Centre, manner of conducting review of functioning of administrative and academic wings of the Regional Centre; (f) the appointment of regular academic staff and other employees of the Regional Centre, their emoluments and conditions of service, flexible compensation system, their benefits and privileges, including principles governing the seniority of service, age of superannuation, provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action consistent with such staff engaged in higher education and research at Central Universities; (g) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations; (h) creation, composition and functions of any other body which is considered necessary for improving the academic life of the Regional Centre; (i) conferment of honorary degrees and distinctions; (j) delegation of powers vested in the authorities or officers of the Regional Centre; (k) the terms and conditions of service for engagement of experts as adjunct and visiting faculty; (l) the terms and conditions of service for hiring appropriate human resource, Indian or foreign, especially at higher levels in specific areas, with fixed tenure, not exceeding three years at a time and with higher compensation, with the approval of the Board of Governors; (m) grievance redressal mechanism for resolution of disputes arising out of a contract between the Regional Centre and any of its employees; (n) the manner of making Regulations by any of the authorities of the Regional Centre; and (o) the manner of recognition of institutions to be affiliated with the Regional Centre and grounds for withdrawal of recognition thereof.

2. Item (f) of sub-clause (3) of clause 16 empowers the Programme Advisory Committee of the Regional Centre for Biotechnology to frame Ordinances. Sub-clause (1) of clause 43 specifies the matters in respect of which such Ordinances may be made. These matters, *inter alia*, include: (a) admission of students from within India and from the Region to the Regional Centre and their enrolment as such; (b) the course of study; (c) the conditions under which students shall be admitted and shall be eligible for degrees, diplomas and certificates and to the examinations of the Regional Centre, and shall be eligible for the degrees, diplomas and certificate; (d) the conditions of award of the fellowships, scholarships, medals and prizes; (e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators; (f) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators; (g) the conditions of residence of the students of the Regional Centre; (h) the maintenance of discipline among the employees and students; (i) the courses of study to be laid down for all degrees, diplomas and certificates of the Regional Centre including the medium of instruction and examination; (j) the award of degrees and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same; the withdrawal of degrees, diplomas, certificates and other academic distinctions; (k) fees to be charged for courses of study in the Regional Centre and for admission to examinations, degrees and diplomas of the Regional Centre; (l) institution of and conditions for award of fellowships,

scholarships, studentships, medals and prizes; (m) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them; and (n) establishment, management and abolition of Centres of Studies, Schools, Departments, Specialised Laboratories, Halls and Institutions.

3. Clause 44 empowers the authorities of the Regional Centre for Biotechnology to make Regulations for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by the proposed legislation, the Statutes or the Ordinances, in the manner specified by the Statutes.

4. Sub-clause (1) of clause 45 specifies that the Statutes, Ordinances and Regulations to be published in the Official Gazette. Sub-clause (2) of clause 45 provides that every Statute or Ordinance or Regulation made under the proposed legislation shall be laid, as soon as may be after it is made, before each House of Parliament.

5. The matters in respect of which Statutes, Ordinances and Regulations may be made are matters of procedures or administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

T.K. VISWANATHAN,
Secretary General.